



W.P.No.17098 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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1.R.K.Selvam

2.S.Venkatesan

3.D.Nandakumar

4.C.Anandan

... Petitioner

Vs.

1.Union of India rep by
The Chief Executive Officer,
Prasar Bharathi, Broadcasting Corporation of India,
Doordarshan Bhavan, Phase III,
New Delhi – 110 001.

2.The Director General (Doordarshan),
Prasar Bharathi, Broadcasting Corporation of India,
Doordarshan Bhavan, Copernicus Marg,
New Delhi – 110 001.

3.The Director (Disc & POSH),
Prasar Bharathi Secretariat,
7th Floor, Prasar Bharati House,
Copernicus Marg, New Delhi – 110 001.

4.The Deputy Director General (E),
Doordarshan Kendra,
Chepauk, Chennai – 600 005.



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5. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pertaining to the order passed by the 5th respondent in O.A.No.310/00481/2021 dated 08.07.2021 and quash the same.

For Petitioner	: Mr.N.G.R.Prasad for M/s Row and Reddy
For Respondents	: Mr.M.Karthikeyan (for R1-4) Central Government Panel Counsel Tribunal (for R5)

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The petitioners filed Original Application before the Tribunal challenging the order dated 08.07.2021 passed by the Central Administrative Tribunal, Chennai in O.A.No.481 of 2021.

2. The petitioners filed Original Application before the Tribunal challenging the proceedings of the Director, Prasar Bharathi, Doordarshan, dated 12.04.2021 reducing the strength of Cameraman Grade I and Grade II, contrary to the earlier order dated 14.02.2014 issued by the Office of Directorate General.



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3. The petitioners are working as Cameramen Grade I/II at Doordarshan Kendra at Chennai. They are the permanent employees in Doordharshan Kendra. The grievance of the petitioners are that, by an order dated 12.04.2021, the respondents approved temporary reallocation of posts of Cameramen Grade I/II at various establishments at Doordharshan until further orders. The reallocation of posts of Cameramen Grade I/II, resulted in institution of Original Application. Since the Tribunal dismissed the Original Application, the present Writ Petition came to be instituted.

4. Mr.N.G.R.Prasad, learned counsel appearing on behalf of the petitioners would contend that the rationalization of Cameraman for their optimal utilization, based on the functional requirement at Doordarshan Kendras were considered and revised sanctioned strength of Cameraman cadre in various Doordarshn Kendras were notified in proceedings 14.02.2014. The said position was continuing for number of years. While so, there is no reason for temporary reallocation of posts, which would result in denial of further promotion opportunities to these Cameraman. Reallocation of posts are done without undertaking proper deliberation and thus, the impugned order is contrary to the original rationalization done by the respondents in the proceedings of the year



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2014. Picking and choosing of the post of Cameraman Grade I/II alone by the respondents are arbitrary exercise. Such a reallocation was not done in respect of other posts. There is no such reallocation in respect of other cadres. As far as engineering cadres are concerned, the reallocation made was kept in abeyance by the respondents themselves, without assigning any reasons. Thus, the rationalization and fixation of cadres strength made in proceeding dated 14.10.2014 is to be followed in respect of the cadre Cameramen Grade I and Grade II.

5. The learned Central Government Panel Counsel appearing on behalf of the respondents would oppose by stating that, reallocation of posts are to be done based on the administrative needs and certain Doordarshan Kendras have opened 24x7 channel, which necessitated the administration to make reallocation of the posts of Cameramen Grade I and Grade II. In order to run the programme uninterruptedly, reallocations are made and therefore, the Tribunal has rightly dismissed the application filed by the petitioners.

6. It is not in dispute that all the petitioners are working as Cameramen Grade I and Grade II in Dhoordarshan Kendra at Chennai. Creation of posts, abolition of posts, allocation and reallocation of posts on



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administrative reasons are the prerogative of the Department. Such administrative affairs or policies would fall beyond the realm of the service conditions of the employee. In the present case, the petitioners are serving as Cameramen Grade I and Grade II and their service conditions are neither altered nor their benefits are taken away. The employees are entitled to institute application before the Tribunal, only if their service conditions are violated or the benefits already granted to them are taken away, but not otherwise. The administrative prerogative of the Executive Authority cannot be questioned by the employees. It is for the Government of India and its Department to take decision to run the administration. The Court cannot interfere in such administrative decisions or policies made by the Executive Authority, unless such decisions are in violation of the statutes or resulted in unconstitutionality. Allocation of posts, reallocation of posts, transfer of employees are the prerogative of the Executive Authority, which cannot be questioned by the employees by approaching the Tribunal or the High Court.

7. In the present case, the proceedings dated 14.02.2014 is the approval of the Competent Authority for rationalization of Cameraman for their optimal utilization, based on the functional requirement at Kendra. Thus, the rationalization of posts itself was done for optimal utilization based on



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functional requirement. Such decisions cannot be construed as final decisions, since it may change on account of various administrative reasons. As pointed out by the respondents, certain Kendras across the Country have opened channels for 24x7 and the need arose for more Cameraman in those areas. Under those circumstances, the order dated 12.04.2021 was issued by Prasara Bharati, Secretariat, whereby the Competent Authority has approved temporary reallocation of posts of Cameraman Grade I and Grade II for various establishments of Doordarshan Kendra with immediate effect. Reallocation of posts are done on administrative reasons and in public interest, which would not provide cause for the petitioners to challenge the same by way of Original Application before the Central Administrative Tribunal. Certain posts are reallocated and the cadre strength of the Cameraman are also fixed on the said order. It is purely an administrative affair made to run the administration in an efficient manner, which will not provide any cause for institution of litigation. The service rights of the petitioners are not infringed nor their service conditions are violated, and their salary and perquisites are protected and that being so, the challenge made by the petitioners regarding the administrative policy is rightly by the Central Administrative Tribunal and we do not find any reason to interfere with the findings made in the order passed by the Tribunal.



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8. Consequently, the impugned order passed by the 5th respondent in O.A.No.310/00481/2021 dated 08.07.2021 is confirmed and the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition, if any, stands closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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