

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No. 3244 of 2002

Prasar Bharti & Ors.
llant(s)

Appe

VERSUS

Amarjeet Singh & Ors.
ondent(s)

Resp

(With office report)

With Civil Appeal Nos.3248, 3246, 3247, 3245 of 2002

(With office report)

With S.L.P.(C) No.15830 of 2003

(With appln. for c/delay in filing SLP and with office report)

Date : 29/03/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant (s)

Mr. G.E. Vahanvati, S.G.

Mr. Rajeev Sharma, Adv.

Mr. Devdutt Kamat, Adv.

Mr. Vijay M. Chauhan, Adv.

Mr. Chinmoy Sharma, Adv.

For Petitioner(s)

Mr. Vikrant Yadav, Adv.

for Mr. Praveen Swarup, Adv.

For Respondent (s)

Mr. P.S. Narasimha, Adv.

Mr. Sudhir Nandrajog, Adv.

Mr. A.K. Thakur, Adv.

Mr. Anil K. Chopra, Adv.

Mr. R.K. Singh, Adv.

M/s. T.T.K. Deepak & Co., Advs. (NP)

UPON hearing counsel the Court made the following

O R D E R

The Prasar Bharti (Broadcasting Corporation of India) Act, 1990 (Act No.25 of 1990), though came into force on 15th September, 1997, and the Prasar Bharti

(Broadcasting Corporation of India) (for short, "the Corporation") came to be established

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with effect from 21st November, 1997, the uncertainty insofar as the employees of the

Central Government who were working in Akashvani stations and Doordarshan kendras

continues despite lapse of nearly eight years. Prima facie, this uncertainty has continued

since appropriate steps were not undertaken either by the Central Government or by the

Corporation. The Corporation has not framed requisite regulations. The option of the

employees under the provisions of the Act has not been taken. In fact, that occasion has

not arisen even after eight years of operation of the Act on account of a wholly ad hoc

approach adopted in the implementation of the Act. At this stage, it is not necessary to

specifically indicate as to who has contributed more to this state of affair resulting in two

views being expressed by two High Courts in the country - one by the Madras High Court

holding that the employees can be transferred and the other by the Punjab & Haryana

High Court holding in favour of the employees that they cannot be transferred by the

Corporation. The stand of the Corporation has been and is that the employees continue to

be the employees of the Central Government. It is in the interest of neither the employees

nor the Central Government nor the Corporation to continue the uncertainty for any

further period of time.

Let the learned Solicitor General discuss the matter with the concerned officers

of the Corporation and the Ministry of Information and Broadcasting so that the Act can

be properly implemented and uncertainty comes to an end. We hope that the matter

would be resolved expeditiously.

List these cases for directions in the last working week of May, 2005.

(N. Annapurna)

Court Master

(Phoolan Wati Arora)

Court Master