

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3244 OF 2002

IN THE MATTER OF

Prasar Bharati and others

... Appellants

Versus

Amarjeet Singh and others

... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

I, Vedantam Giri, Deputy Secretary, Ministry of Information & Broadcasting, Government of India, New Delhi; do hereby solemnly affirm and declare as under:

1. That in my official capacity I am duly authorized and competent to swear this affidavit.
2. That I have read and understood the contents of the captioned appeal. I state that the only point arising for consideration in the appeal is as to whether Prasar Bharati has the power to transfer Central Government employees working on deemed deputation basis with it from one post/place to another.

3. That I state that the Prasar Bharati Act (hereinafter referred to as the Act) came into force on September 15, 1997 and the appointed day in terms of Section 3 of the Act is November 23, 1997. By virtue of the provisions of the Act, All India Radio & Doordarshan, which earlier were departments of the Government of India came to be vested in Prasar Bharati. The services of all Central Government employees working in All India Radio & Doordarshan as on the appointed day were placed at the disposal of Prasar Bharati. They continued to work in All India Radio & Doordarshan and were deemed to be on deputation to Prasar Bharati by virtue of Section 11 of the Act.

4. That over a period of time, a question arose whether Prasar Bharati had the power to transfer Central Government employees working on deemed deputation basis in it from one post/place to another. It was clarified by the Ministry of Information & Broadcasting vide its letters dated 14.1.1999, 2.9.1999 & 3.11.2000 that Prasar Bharati had the power to take all placement decisions and to issue necessary transfer and posting orders in respect of employees working AIR & DD. In the letter dated 3.11.2000 it was also stated that that the posts belonging to various cadres of AIR & DD were at the disposal of Prasar Bharati; the said posts were being operated by Prasar

recruited for doing jobs assigned to the said posts and thus the posts were under the control of Prasar Bharati. The said letters are already on record in the present proceedings.

5. That the stand as set out in the above letters was in accord with the provisions of the Act, especially Section 11 thereof and the settled position as regards the powers of a borrowing authority.

6. That in so far as issue relating to seeking of options from employees in terms of Section 11 of the Act is concerned, I state that for the said purpose the terms and conditions of service are required to be determined, which is an issue which has a vital linkage with the financial structure and viability of Prasar Bharati. A Group of Ministers has already been constituted by the Government of India inter alia to examine issues concerning the capital structure and funding pattern of Prasar Bharati and the financial package and service conditions to be offered to employees for joining PB. I state that the group of Ministers has already held three sittings and has also given a hearing to various associations of employees. Having regard to the complex issues that the group of Ministers is seized of, it is difficult to indicate a precise time frame at this stage within which the Group of Ministers is likely to finalise its

recommendations. It is also pertinent to state that over a period of time significant steps have been taken to give effect to the provision of section 11 of the Act as is evident from the affidavit dated 29th August 2005 filed on behalf of Prasar Bharati in the present proceeding.