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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1170/2002

New Delhi this the 29th day of January, 2003.

HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (ADMNV)
HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

D.K. Sharma,
S/o Shri N.S. Gaurav,
Reviser (Transmission Executive),
External Services Division,
All India Radio,
Parliament Street,
New Delhi.

-Applicant

(By Advocate Shri B.S. Mainee)

-Versus-

Union of India : through

1. The Secretary,
Ministry of I & B,
Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio,
Parliament Street,
New Delhi.
3. The Director,
External Services Division,
All India Radio,
Broadcasting House,
New Delhi.

-Respondents

(By Advocate Ms. Harvinder Oberoi)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the parties. Applicant is aggrieved by ~~65~~ inaction on the part of respondents, whereby despite approval by the competent authority by an order dated 23.5.2001 amalgamation of the cadre of Reviser into Transmission Executive is yet to be implemented. He has sought fixation of pay as Transmission Executive with all consequential benefits.

2.. Applicant was appointed as Reviser (Hindi) on 16.1.87 but was given the actual appointment as Reviser (English) w.e.f. 12.11.1987.

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3. The post of Reviser (Hindi) was abolished on account of closure of Akashwani. As such holders of the posts were absorbed as Transmission Executives in June, 1987 in the same pay scale. The post of Reviser (English) continued till July 1998 and was ultimately abolished. It is contended by Sh. Maine, learned counsel for applicant that right from the date of appointment applicant was posted as a Production Assistant TREX and had been working, as such he also performed duties of Transmission Executive from 12.1.86 to 6.3.2000.

4. Respondents' letters dated 16.9.88 and 6.3.98 show that applicant has been posted as Transmission Executive. By memorandum dated 9.10.95 no objection has been given by respondents for the post of Reviser to be amalgamated with the cadre of Executive and applicant was adjusted against the post of Transmission Executive retrospectively from 1987. Though a decision has been taken to amalgamate, but case of applicant was not favourably considered. He filed OA-1193/96 and on an assurance of respondents that the relief would be accorded to him OA was withdrawn on 12.3.99, with liberty. Another OA-2331/2000 filed on 19.10.2000 was also withdrawn on the assurance given by respondents on 24.5.2001. By an order passed on 4.7.2001 applicant was directed to be re-deployed as Transmission Executive w.e.f. 1.8.98 in the grade of Rs.6500-10500, but the same has not been implemented despite representation.

5. Shri Maine further contended that respondents have acted arbitrarily by not implementing the decision already taken to merge the post of applicant in the cadre of Transmission Executive having decided the same on 23.5.2001.

6. On the other hand, respondents have been given sufficient opportunity to file reply and by an order dated 13.12.2002 after imposition of a cost of Rs.500/- it was observed that if the reply is not filed, their right to file the same would be forfeited and the matter would be disposed of in terms of Rule 16 of Central Administrative Tribunal (Procedure) Rules, 1987.

7. Today, during the course of hearing Ms. Harvinder Oberoi, learned counsel appearing for respondents referred to a letter written by the Director, Prasar Bharti on 28.1.2003 wherein extension has been sought to file reply, as the case of applicant for re-deployment against the vacant post of TREX is pending at an advance stage of consideration and necessary time would be incurred in issuing the necessary orders.

8. We have carefully considered the rival contentions of the parties and perused the material on record. Despite taking a conscious decision on 23.5.2001 to amalgamate the cadre of Reviser to Transmission Executive and despite assurances by the respondents, which resulted in withdrawal of two OAs filed by applicant since 1986 no positive steps have been taken to amalgamate the post of applicant with the result he has been prejudiced in his career advancement and has been deprived of fixation of

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pay and other benefits. As we note that the matter has reached at an advance stage of consideration and necessary orders are to be issued, by way of indulgence and in the interest of justice, we dispose of this OA with a direction to respondents to merge the post of applicant in the cadre of Transmission Executive as per their decision dated 23.5.2001 and as a consequence respondents are further directed to fix the pay of applicant in that grade with all consequential benefits, including arrears to be disbursed to applicant, within one month from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

(Govindan S. Tampi)
Member (A)

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