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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.278/2002

Thursday, this the 13th day of December, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri Jawahar Lal Singh  
s/o Shri Ram Rup Singh  
Assistant Station Engineer  
HPT, AIR, Kingsway  
Delhi-9

..Applicant

(By Advocate: Shri Gopal Dutt)

Versus

1. Union of India through  
the Secretary to the Govt. of India  
Ministry of Information & Broadcasting  
Shastri Bhavan, New Delhi-1
2. Union Public Service Commission  
through it's Secretary  
Shahjahan Road, Dholpur House  
New Delhi-11
3. Prasar Bharati  
through it's Chief Executive Officer  
Copernicus Marg, Mandi House  
New Delhi-1

..Respondents

(By Advocate: Shri M.M.Sudan)

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant initially recruited as Assistant Engineer rose to become a regular JTS Officer in the Indian Broadcasting Engineering Service under the Ministry of I & B by <sup>the virtue of</sup> the respondents' order dated 1.1.1991 (P-6). Along with him, 246 other officers were also promoted in the JTS as above. It appears that <sup>due to</sup> a certain decision taken by the Ernakulam Bench of this Tribunal on 17.2.1997 in OA-266/96 in the case of Shri T.K.G. Nayyar Versus Union of India & Others, it became necessary for the respondents to review the aforesaid promotions. Accordingly, they proceeded in the matter

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and by confining the review to the vacancies in respect of 1987 and 1988, issued orders on 30.9.1997 (A-1) whereby only 60 officers were allowed to stay on as JTS regulars in respect of 1987 and 93 others as JTS regulars for the vacancies pertaining to 1988. The applicant's name does not figure in either of these panels. In the same order of 30.9.1997 (A-1), it has been stated that the Assistant Engineers whose names did not figure in the aforesaid panels drawn up by the review DPC, will continue to hold the post of the JTS on ad hoc basis upto the date they are regularized against vacancies of subsequent years. *Thus, the applicant stood reverted as adhoc JTS.*


3. After holding the review DPC in respect of 1987 and 1988 which resulted in the order of 30.9.1997 (A-1), the respondents proceeded to hold a review DPC meeting for the year 1989. In order to do this, a letter was issued by them on 3.11.1999 (R-1) requesting the UPSC to hold review DPC for 1989 in respect of the applicant and four others who had been similarly left out <sup>as a result of</sup> ~~from~~ the review DPC pertaining to 1987 and 1988. It seems that because of the Prasar Bharati angle, the UPSC were reluctant to hold a review DPC and finally came around <sup>and</sup> agreed ~~ing~~ with the Ministry's proposal sometime after February, 2002. A letter to this effect has been placed on record at R-2. In accordance with the UPSC's instructions, the Ministry has already sent fresh proposal for the Commission's consideration confined to regularization against 1989 vacancies.


4. The learned counsel appearing on behalf of the respondents submits that efforts are on to hold a review

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DPC meeting as above at the earliest possible. He also submits that the claim of the applicant will also be considered by the review DPC and depending on the recommendations made by the Committee, the respondents will proceed to pass suitable orders without loss of time. In view of the applicant's impending retirement in January, 2003, the respondents are expected to act fast and hold the review DPC meeting and also pass orders on it's recommendation as far as possible before the applicant retires from service. In case, the applicant is found fit for regular appointment as JTS, all the consequential benefits, including pay, allowances, seniority and promotion, will be granted to him in accordance with law and rules.

5. The present OA is disposed of in the aforestated terms. There shall, however, be no order as to costs.

  
(S.A.T. Rizvi)  
Member (A)

  
(Mrs. Lakshmi Swaminathan)  
Vice Chairman (J)

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