

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH****MA/310/00822/2019 & MA/310/00823/2019
in & OA/310/01504/2019****Dated Wednesday the 18th day of December Two Thousand Nineteen****CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

1. H.S.Ganesh,
2. V.Ramesh Babu,
3. R.Sudarsan,
4. Dr. Neeraja Prabakar,
5. Vennila Kulothungan,
6. T.Arunan,
7. S.Joseph Raj,
8. S.Annamalai Pandian,
9. T.S.Meenakshi Sundaran,
- 10.U.S.Raja,
- 11.Sowmya Venkatesan.

....Applicants**By Advocate M/s. Balan Haridas****Vs****1.Union of India, rep by its Secretary, Ministry of Information and Broadcasting,
Shastri Bhavan, New Delhi 110001.****2.Director General, All India Radio, Akashvani Bhavan, Parliament Street, New
Delhi 110001.****3.Director General, Doordarshan, Doordarshan Bhavan, Mandi House,
Coopernicus Marg, New Delhi 110001.****4.The Deputy Director of Administration, Office of Directorate General, All India
Radio, S-I(B) Section, Akashvani Bhavan, Parliament Street, New Delhi 110001.****....Respondents****By Advocate Mr. Su. Srinivasan**

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

MA 822/2019 is filed by the applicants for advance hearing. Accepting the reasons stated therein, MA for advance hearing is allowed.

2. The applicants have filed this OA seeking the following reliefs :

"i. To quash the Memorandum No. 04/25/2018-S1(B) dated 07.12.2018 of the 4th respondent and the order of the 4th respondent dated 16.09.2019 bearing No. 06/03/2019-SI(B)/834,

ii. consequently direct the 1st respondent to prepare the eligibility list for promotion in consultation with the Department of Personnel and Training,

iii. pass such other orders or directions as this Hon'ble Tribunal think fit in the circumstances of the case and render justice."

3. It is submitted that the applicants joined All India Radio during the year 1988 to 1996 in the post of Transmission Executive through Staff Selection Commission. The persons who were engaged as Production Assistant on contract basis were regularised on the same post and later, the said post was termed equivalent to the post of Transmission Executive. The applicants are aggrieved that, the respondents after several years have sought to draw a combined seniority list of Transmission Executive/Production Assistant for promotion to the post of Programme Executive. The Production Assistants are assigned seniority on the basis of their initial contractual appointment and sought to be placed above the

applicants, who joined the department after a regular selection process. It is alleged that the respondents without considering the objections given by the applicants to the draft seniority list of Programme Executives dt. 07.12.2018 were about to finalize the same and effect promotion. The applicants filed OA 797/2019 which was disposed of by order dt. 27.06.2019 with a direction to consider the representation of the applicants. Status quo was ordered till then. The respondents passed the impugned order dt. 16.09.2019 aggrieved by which the applicants have filed this OA.

4. When the matter is taken up for hearing, learned counsel for the applicants submits that the applicants have filed representations dt. 17.12.2018 to consider the objections regarding the draft seniority list. The respondents had given a reply dt. 16.09.2019 stating that the representations are duly considered & taking into account all issues raised therein, it has been decided that since the matter is sub-judice before Hon'ble CAT-Principal Bench, New Delhi, further course of action in the matter depends upon the outcome of the Review Application pending before CAT-Principal Bench.

5. The applicants apprehend that if the respondents operate the list, it will put irreparable hardship to the applicants & seeks a stay of operation of the Draft seniority list.

6. Heard. Mr. Su. Srinivasan, SCGSC opposes stay.

7. We had perused the pleadings. This Tribunal had passed an order of Status

quo in OA 797/2019 till the disposal of the representation. On going through the reply dt. 16.09.2019, it seems that the respondents are not in a position to take a decision on the representation till the Principal Bench, Delhi passes order in the Review Petition pending.

8. In view of the above reply, we deem it appropriate to order that the respondents shall not operate the Draft seniority list for promotion till the representations filed by applicants in OA 797/2019 are disposed of on merits.

9. OA is disposed of without going into the merits. MA 823/2019 for interim injunction is also disposed of accordingly. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

18.12.2019

SKSI