

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application No.180/00001/2020

in

Original Application No.180/00873/2019

Wednesday, this the 8th Day of January, 2020

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

1. The Prasar Bharathi Broadcasting Corporation of India,
represented by its Chief Executive Officer,
Prasar Bharathi House,
Copernicus Marg, Janpath,
New Delhi – 110 001.
2. The Director General,
All India Radio, Akashvani Bhawan,
New Delhi – 110 001.
3. The Union of India,
represented by its Secretary,
Ministry of Information and Broadcasting,
A Wing, Shastri Bhavan,
New Delhi – 110 001.

..... Applicants in RA
... Respondents in OA

(By Advocate – Mr.Thomas Mathew Nellimootill)

V e r s u s

D.Pradeep Kumar,
S/o K.Damodaran,
Aged 57 years,
Programme Executive, AIR,
Manjeri, 676 122,
Residing at Prayaga, Automobile Road,
Palarivattam,
Ernakulam – 682 025.

...Respondent in RA
...Applicant in OA

.2.

ORDER
(By Circulation)

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

The interim order issued on 16.12.2019 (Annexure RA1) in OA No.873/2019 is sought to be reviewed through this RA. The Annexure RA1 order directed as follows:

“Heard Sri M.R.Hariraj, learned counsel for the the applicant and Sri Thomas Mathew Nellimoottil, learned Sr.PCGC on behalf of the respondents.

Sri Hariraj on behalf of the applicant submitted that the applicant has filed appeals dated 15.7.2019 and 26.9.2019, copies of which are available at Annexure A11 and A12, addressed to the Secretary, Ministry of Information and Broadcasting, against order of the Disciplinary Authority (Annexure A9). The applicant's grievance is that as per Annexure A13 information provided to the application under RTI, it is stated that the appeal filed by the applicant has been received in the Directorate and is under consideration whereas the appeal is addressed to the Secretary, Ministry of Information & Broadcasting, and none other than him (the Secretary) has the authority to deal with the appeal, the applicant being an officer on deputation to Prasar Bharati.

Sri Thomas Mathew Nellimoottil, Sr.PCGC on behalf of the respondents replied to the arguments stating that as per Notification dated 19.11.2012 under the Heading “Prasar Bharati (Broadcasting Corporation of India) Notification”, the competent appellate authority is “the Committee consisting of the Chairman, the Member (Finance) and Member (Personnel) of the Prasar Bharati Board”. For this reason, the appeal has not been forwarded to the Secretary of the Department and has been retained by the Prasar Bharati Board for consideration, as informed to the party through the RTI reply. Sri Hariraj, learned counsel for the applicant, is of the view that being a deemed officer on deputation, the applicant is not covered by the Regulation issued under the Notification referred to and if that is the case, the CEO of the Prasar Bharati who has issued the impugned order in his capacity as Disciplinary Authority would be found to have been incompetent to issue the same.

After taking the arguments of both sides into consideration, as on interim order, we direct that the appeal referred to as Annexure A11 and A12 filed by the applicant is to be urgently forwarded to the Secretary, Information and Broadcasting within 15 days from today, who thereupon will consider the same and issue orders on the appeal in line with the authority vested in him. This shall be done and communicated to the applicant within three weeks of receipt of the appeal by the Secretary”.

.3.

2. The review is sought on the ground that the respondents were unable to produce a copy of the Annexure RA3 document, which is the Prasar Bharati (Broadcasting Corporation of Indian) Act, 1990, which deals with the constitution of disciplinary, appellate and reviewing authorities of the employees of Prasar Bharati Board. It is seen that the notification in question has been referred to in the interim order and the production of the same through an RA does not constitute a valid reason for seeking a review under the relevant provision. There is no error apparent on the face of the record pointed out in the RA other than the inability of the respondents to produce a document. We see no reason to allow the RA. Accordingly, RA is dismissed.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in R.A.No.180/00001/2020 in O.A.No.873/2019

1. Annexure RA-1 – True copy of the interim order of this Hon'ble Tribunal dated 16.12.2019 in OA/180/00873/2019.
 2. Annexure RA-2 - True copy of the Gazette Notification Prasar Bharati (Broadcasting Corporation of India) Authorities for Disciplinary Proceedings Regulations, 2012 dated 19.11.2012.
 3. Annexure RA-3 - True copy of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.
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