

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00273/2017

Date of Order: This, the 20<sup>th</sup> day of March 2020

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)  
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Soma Chowdhury  
 Daughter of Sunil Chowdhury  
 Resident of Dharamnala Mazid Road  
 Diphu, P.O. and P.S. – Diphu  
 Karbi Anglong, Assam, Pin – 782460.

**...Applicant**

By Advocates: Sri S.K. Goswami, Sri P.K. Sharma and  
 Sri S.A. Sangma

-VS-

1. Union of India  
 Through the Secretary  
 To the Government of India  
 Ministry of Information and Broadcasting  
 New Delhi – 110001.
2. The Prasar Bharati  
 (Broadcasting Corporation of India)  
 Represented by Chief Executive Officer  
 Prachar Bharati (BCI), PTI Building  
 Sansad Marg, New Delhi – 110001.
3. The Director General  
 All India Radio  
 Akashvani Bhawan, Parliament Street  
 New Delhi – 110001.
4. The Director General  
 Doordarshan, Mandi House  
 Copernicus Marg, New Delhi – 110001.

5. The Chief Engineer (NEZ)  
All India Radio and Doordarshan  
Dr. P. Kakati's Building  
New Ganeshguri Flyover  
G.S. Road, Guwahati – 06.
6. The Station Engineer  
Prasar Bharati (BCI)  
Doordarshan Maintenance Center  
Dimapur – 12, Nagaland.
7. The Station Engineer  
All India Radio  
Kohima, Nagaland, Pin – 797001.

**...Respondents**



By Advocate: Sri R. Hazarika, Addl. CGSC

**Date of Hearing: 05.02.2020**

**Date of Order: 20.03.2020**

## **ORDER**

### **NEKKHOMANG NEIHSIAL, MEMBER (A):-**

This O.A. has been filed by the applicant seeking for the following reliefs:-

“8.(1) This Hon’ble Tribunal be pleased to hold and declare that the applicant is eligible for appointment to the post of Technician of Lower Power Transmission Station (LPTS), Lumding,

8(2) This Hon’ble Tribunal be pleased to direct the respondents to appoint the applicant in the post of Technician of Lower Power Transmission Station (LPTS), Lumding.

8(3) Cost of the application.

8(4) Any other relief, which the applicant is entitled to and as this Hon'ble Tribunal may deem fit and proper."

2. The above grievance of the applicant has arisen due to the fact that in response to the advertisement dated 03.03.2018, the respondent authorities conducted the process for recruitment of 02 posts of Technicians at LPT, Lumding and LPT, Hojai under Doordarshan Maintenance Centre, Dimapur. In the recruitment process, 03 candidates namely Nandita Dey, Pompa Chanda and Soma Choudhury (i.e. applicant) appeared in the merit list as first, second and third respectively. Subsequently, due to complain against Smt. Nandita Dey, one of the selected candidates for the post of Technician, a fresh recruitment process was initiated. Smt. Nandita Dey filed an O.A. No. 2020 of 2011 in this Tribunal. Miss Pompa Chanda also filed another O.A. No. 72 of 2011. In the combined hearing and judgment, this Tribunal finally allowed Miss Pompa Chanda to be appointed vide its order dated 24.01.2014. The O.A. No. 202 of 2011 filed by Smt. Nandita Dey was however, dismissed by this



Tribunal vide order dated 24.01.2014 with the following remarks:-

“14. With regard to OA. 202 of 2011 the applicant namely Smt. Nandita Dey who was selected for LPTV Lumding, without possessing the requisite qualification, the authorities are directed to proceed afresh for filling up the post of LPTV, Lumding in accordance with law.”



3. Smt. Nandita Dey challenged the order of this Tribunal dated 24.01.2014 in the Hon'ble High Court at Guwahati vide WP(C) No. 1618/2014 and the said Writ Petition was dismissed by the Hon'ble Gauhati High Court. In this O.A., the applicant Smt. Soma Choudhury is asking that since the appointment of Smt. Nandita Dey was dismissed, she should be allowed to fill up and occupy that vacancy vacated by Smt. Nandita Dey in that recruitment process.

4. The respondent authorities filed their written statement on 01.06.2018. They have pointed out that since the case of Smt. Nandita Dey, applicant in O.A. No. 202/2011, who was placed in the 1<sup>st</sup> merit list, has been dismissed by this Tribunal and also her Writ Petition has been rejected by the Hon'ble Gauhati High Court, the present applicant cannot claim for appointment



against the post of 1<sup>st</sup> selected candidate namely Smt. Nandita Dey. The same is to be filled up if necessary, by fresh selection in terms of the direction given by this Tribunal, affirmed by the Hon'ble Gauhati High Court. They also pointed out that the applicant in fact does not have requisite experience. Experience Certificate issued by the Radio Store Diphu, dated – Nil is not acceptable and the District Employment Exchange, Diphu vide its order No. OV-02/2008/190 dated 28.03.2008 also has withdrawn by intimating the Station Engineer, DDMC, Dimapur, Nagaland that her name was wrongly sponsored as she has no practical experience.

5. In addition to the hearing to both parties, Sri R. Hazarika, learned Addl. CGSC for the respondents also submitted written argument on 13.02.2020. He repeated the same points of submissions including lack of experience by the applicant as required.

6. The issue is essentially interpreting of the order of this Tribunal dated 24.01.2014 passed in O.A. No. 202 of

2011. The order of this Tribunal as brought above is repeated again as under:-

“14. With regard to OA. 202 of 2011 the applicant namely Smt. Nandita Dey who was selected for LPTV Lumding, without possessing the requisite qualification, the authorities are directed to proceed afresh for filling up the post of LPTV, Lumding in accordance with law.”



7. Smt. Nandita Dey was selected to fill up one vacancy and that selection has been cancelled. This Tribunal had directed the respondent authorities to proceed afresh for filling the post of LPTV, Lumding in accordance with law. Plain reading of this order is very clear and simple. The vacancy which has been vacated as a result of dismissal of O.A. No. 202/2011 of Smt. Nandita Dey, that vacancy also has gone with her. The respondent authorities were directed to proceed afresh for filling up the post of LPTV, Lumding in accordance with law. Here the word ‘accordance with law’ would mean that as per their ‘recruitment rules afresh’.

8. Keeping in view of this, we are of the considered view that the present applicant apart from lack of experience as pointed out by the respondent authorities,

is not entitled to occupy and fill up that vacancy which had occurred due to the cancellation of selection of Smt. Nandita Dey. The respondent authorities shall have to proceed afresh and fill up the vacancy as per the Recruitment Rules. As such, submission made by the applicant is not maintainable.

9. Accordingly, O.A. is hereby dismissed. There shall be no order as to costs.



**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**