

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-4363/2014



New Delhi, this the 28th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. K.C. Vyas, Age about 53 years
S/o late Sh. Sukh Chand Vyas
Working as Head Clerk
R/o 18/444, Chopsani Housing Board
Jodhpur (Rajasthan).
2. Mehar Singh, age about 57 years
s/o late Sh. Daya Ram
working as Head Clerk
R/o E-49, Gali No. 2, East Vinod Nagar
Delhi-110091.
3. Dinesh Kumar Singh, age about 44 years
S/o late Sh. Raj Kumar Singh
R/o A-21/102, Shalimar Garden
Extn-2, Sahibabad, Ghaziabad(UP). ...Applicants

(through Sh. M.K. Bharadwaj)

Versus

UOI & Ors.

1. The Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi.
2. The Prasar Bharti
India's Public Service Broadcaster
Prasar Bharti Secretariate, PTI Building
Parliament Street, New Delhi.
3. The Director General
All India Radio

Akashwani Bhawan, Sansad Marg, New Delhi.



4. Sh. Bablu Banik, Head Clerk
O/o Station Director, All India Radio, Chandmari
Guwahati (Assam).

5. Sh. Mohan Gaur, Head Clerk
O/o Director, Doordarshan Kendra, Delhi
Doordarshan Bhawan, Mandi House,
Copernicus Marg, New Delhi.

6. Sh. A.K. Gupta, Head Clerk
O/o Director, Doordarshan Kendra, Indore (MP).

7. Sh. Ashok Kumar Kanojia, Accountant
O/o Director General, All India Radio, Cash
Section, Akashvani Bhawan, New Delhi-110001.

8. Sh. Haribhan Singh, Head Clerk
O/o Station Director, All India Radio, 7/9
Dayanand Marg, Allahabad-211001(UP).

9. Dhanesh Kumar Tikariha, Head Clerk
O/o Doordarshan Maintenance Centre
Raipur (Chattisgarh).

10. A.N. Sharma, Head Clerk
O/o Director, All India Radio, JEC Road,
Jorhar-785007(Assam).

11. Sh. Kalyan Singh, Accountant
O/o Director, External Service Division,
All India Radio, New Broadcasting House
Parliament Street, New Delhi-110001.

12. Sh. Uttam Bhujail, Head Clerk
Through zonal office i.e. O/O Station Director
All India Radio, Chandmari, Guwahati (Assam)

13. Sh. Jatan Singh, Sr. Storekeeper
O/o Station Director, All India Radio
Broadcasting House, Parliament Street, New Delhi-110001.

14. Sh. C. H. Nagraju, Accountant
O/o Director, Doordarshan Kendra

Ramanthpuram, Hyderabad.



15. Sh. S. Nagrajan, Head Clerk
O/o Station Director, All India Radio, Saifabad
Opposite Andhra Pradesh Assembly Hall
Rocklands, Hyderabad-500156.

16. Sh. V. Venkatesh, Head Clerk
O/o Executive Engineer (E) Project Division
Civil Construction Wing, All India Radio
Radio Colony, Kingsway Camp Delhi-110009.

17. Sh. S.K. Bhan, Head Clerk
O/o Doordarshan Maintenance Centre
Udhampur (J&K)

18. Sh. P.N. Tripathi, Head Clerk
O/o Station Director, All India Radio
Churu (Rajasthan).

19. Sh. Chunni Lal, Head Clerk
O/o Director General (News)
News Service Division, All India Radio
New Broadcasting House, Parliament Street
New Delhi-110001.

20. Sh. Dhrubajyoti Adhikary, Head Clerk
O/o Director, All India Radio, Silchar(Assam).
... Respondents

(through Sh. Rajeev Sharma with Sh. Saket Chandra for R. Nos. 1, 2 and 3 and Sh. Yogesh Sharma for private respondents)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The applicants were working as Head Clerks in the Prasar Bharti, in the year 2014. Promotion from that post is to that of Administrative Officer. Under the recruitment rules, the eligibility is



stipulated as seven years combined service in the post of Head Clerk/Accountant/Senior Store Keeper in All India Radio (AIR)/Doordarshan. A draft eligibility list was published on 30.06.2014, indicating the names of the persons, and the combined service to their credit. The applicants are said to have submitted their objections to the draft eligibility list. Taking the same into account, the respondents published a final eligibility list dated 20.11.2014, almost reiterating the draft eligibility list. This OA is filed challenging the list dated 20.11.2014, with a prayer to declare the private respondents herein, ineligible to be promoted to the post of Administrative Officer and to direct the respondents to exclude them from consideration.

2. The applicants contend that though the private respondents were promoted to the feeder categories at a belated stage, conferring eligibility from earlier years, is contrary to the relevant rules.

3. Counter affidavits are filed on behalf of respondent nos. 1, 2 and 3 and some of the private respondents. They submit that the feeder category comprises of several posts and a combined seniority was prepared, strictly in accordance with the relevant provisions of law. It is also stated that, the so called discrepancy occurred on account of the fact that, though the eligibility test for promotion to

the feeder category posts was held across India, but the issuance of orders of appointments and postings were delayed to some candidates, on account of the pending litigation and that, in turn, has been rectified, while preparing the eligibility list.



4. We heard Sh. M. K. Bhardwaj, learned counsel for the applicants, Sh. Rajeev Sharma, learned counsel for respondent nos. 1 to 3 and Sh. Yogesh Sharma, learned counsel for private respondents.

5. Basically, the OA itself is not maintainable. Reason is, that except raising objections for the inclusion of the private respondents in the eligibility list, the applicants did not state as to how, they would be benefitted, in case the private respondents are excluded. There is not even a consequential prayer for inclusion of the names of the applicants in the eligibility list.

6. In the course of hearing, we noticed that such a prayer was not made on account of the fact that the induction of applicants, to the feeder category post was long afterwards and they did not have the stipulated period of seven years to their credit, by the time the OA was filed. Once the applicants were not even eligible to be

included in the list, they cannot take exception to the process initiated by the respondents.



7. We do not find any merit in the OA and accordingly the same is dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/