

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1653/1999

New Delhi, this the 20th November 2000

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

Shri Anand Mahesh,
S/O Shri S.M.L. Goel,
22/1062, Lodhi Colony, New Delhi
(By Sh. B.S. Oberoi, Advocate)
Vs

1. Ministry of Information & Broadcasting
Through it's Secretary
Shastri Bhawan,
New Delhi
2. Director General, All India Radio,
Akashwani Bhawan,
Parliament Street, New Delhi
3. Director General Doordarshan.
Mandi House, New Delhi
4. Director, Doordarshan Kendra,
Parliament Street,
New Delhi.
(By Sh. R.V.Sinha, Advocate)

ORDER (ORAL)

Shri Govindan S Tampi, Member A

The challenge in this OA is against the order dated 15.4.1999 with regard to induction of the applicant to the Clerical Cadre of All India Radio/ Doordarshan.

2. The applicant Shri Anand Mahesh joined as caretaker in All India Radio on 29.6.63 which was ex-cadre post with no promotional avenues. His ~~has~~ first option in 1983s for joining the clerical cadre did not evolve any response. While exercising the option in 1989 he was told that seniority will be given to him in the clerical cadre from the date of appointment as caretaker. The applicant who was at the last but one stage of maximum of the pay scale of Rs.1350-2200 as Caretaker was promoted as Head

Clerk in Door Darshan Kendra New Delhi in the scale of Rs. 1400-2300 on 3.8.89 but he was not given seniority in the clerical cadre as was promised the date from which he joined as caretaker. He also states that in the Recruitment Rules for promotion as Head clerk he was put along with clerks Grade I, store keepers etc. in the lower grade of Rs. 1200-2040/- and he was denied the benefit of being given the higher grade. He had made representation and his final representation dated 29.10.97 has been disposed of by OM of 15.4.99. Shri S Oberoi, learned counsel for applicant states that the respondents had acted malafide by falling back on the promise made in 1989 to grant him the benefit of service from the date of his joining as the caretaker.

3. The learned counsel for the respondents Shri R.V. Sinha contends that the application is barred by limitation. He states that Recruitment Rules for promotion as Head Clerk/Accountant/Senior Storekeeper in col. 12 indicate the feeder cadres as Clerk Grade I/Store Keeper, the erstwhile categories of staff artists in All India Radio/Doordarshan Kendra namely, General Assistant/Copyist /Tape Librarian (Selection grade) in the pay scale of Rs. 1200-3--1440-EB-402040, caretaker in the pay scale of Rs. 1200 -3 - 1440 - EB - 30 -1800 and Rs. 1200-3--1560-EB-40-2040 and in the pay scale of Rs. 1350-30-1440-40-1800-EB-50-2200 both working at All India Radio stations and at the Directorate with 5 years service on regular basis. If the applicant

had any grievance against the above he should have protested against the above or come before the Tribunal in time, which he has not done. His action in approaching the Tribunal against the order dated 15.4.99 cannot be entertained. Even on merits the applicant has no case as his case had been considered and rejected as being devoid of any merit according to the counsel.

4. We have carefully deliberated on the rival contention and we are convinced that the applicant has not made out any case. The preliminary objections raised by the counsel for the respondent that the application is barred by limitation has considerable force. The cause of action arose at the time of his promotion as Head Clerk in 1989 along with Clerks Grade I, in accordance with the recruitment rules, he should have come before the Tribunal which he had not chosen to do. Now he has come stating that his representation dated 28.10.97, has been disposed of on 15.4.99. He cannot take advantage of his in action. Law is well settled, that repeated representations themselves do not cure the malady of limitation. The application fails on that ground.

5. Even on merits he does not have any case. Impugned OM dated 15.4.99 reads in para 2 as below:

" Shri Mahesh has been given suitable seniority at the time of induction by the Zonal Head. he has been placed at S No. 2 in the Seniority list of UDCS/Store Keeper/JRO next only to

(a)

another Caretaker appointed before him supreseding all other UDCs of Delhi zone. On the basis of that he has been promoted to the post Head Clerk / Accountant."

Evidently therefore no prejudice or hardship has been caused to him. He cannot therefore have justifiable grievance to be redressed by us.

6. The application being bereft of merits fails and is accordingly dismissed. We also order him to pay cost, shown as Rs.2000/- to the CAT Bar Association for the purpose of its Library.

(Govindan S Tampi)
Member A

Patwal/

(V. Rajagopala Reddy)
VC(J)