

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

D.A. No.666/1995

Date of decision 25.10.1995

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri D.P. Malik,  
Assistant Station Director,  
External Services Division,  
All India Radio,  
r/o 212, Tagore Road Hostel,  
Minto Road, New Delhi.1

... Applicant

(By advocate Shri Sharafatyar Khan)

Vs.

1. Union of India  
through  
the Secretary,  
Ministry of Information & Broadcasting,  
Govt. of India, Shastri Bhawan,  
New Delhi.1

2. The Director General,  
All India Radio,  
Ministry of Information & Broadcasting,  
Parliament Street,  
Directorate General, New Delhi.

... Respondents

(By Advocate Shri E.X. Joseph, Senior  
Counsel)

ORDER (JAL)

(By Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri D.P. Malik has prayed for a declaration that the rule laid down in Schedule V of the Indian Broadcasting Programme Service Recruitment Rules in Serial No.4 under Column 4 "Field of Selection and Minimum qualifying service i.e. " officers in Junior Time Scale with five years regular service in the grade in the medium in which the vacancy arise" is null and void and the applicant be considered for promotion from Junior Time Scale to Senior Time Scale on the basis of four year regular service, which the applicant claims to have ~~been~~ completed.

2. We have heard Shri Sharafatyar Khan, for the applicant and Shri E.X. Joseph for the respondents.

11

9

3. Shri Joseph has invited our attention to page 2 of the respondents reply wherein it has been stated that Government is considering amending <sup>the</sup> Indian Broadcasting Programme Service Recruitment Rules for reducing the qualifying service for promotion from JTS to STS from five years to four years. He states that this matter has been referred to UPSC, and expects that the proposed amendments will be carried out within the next three months or so.

3. Shri Joseph has also stated during hearing, that in the background of the proposed amendments, other candidates had been given relaxation in respect of number of years of completed service in the OPC held on 1.8.1995, and in the next OPC, the applicant would also be given similar relaxation, and in the event that he came within the zone of consideration for promotion to the Senior Time Scale his case would be considered.

4. We note this assurance given by Shri Joseph, Senior Counsel at the Bar, and dispose of this OA, in terms of the said assurance, giving liberty to the applicant that if any grievance survives after the respondents take a final decision on the basis of recommendations of the ensuing OPC, it will be open to him to agitate the same through appropriate original proceedings in accordance with law if so advised.

5. No costs.  
*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Member (A)

sk