

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2174/1996

New Delhi this the 19th Day of April 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Sonam Thargye
Son of Shri Konchok Phelgyal
Working as Monitor,
(Tibetian) Staff Artist,
Central Monitoring Service,
Ayya Nagar, AIR,
New Delhi. Applicant

(By Advocate: Shri A. Raghunath)

Versus

1. Union of India
by Secretary, Ministry of I&B.
Shastri Bhawan,
New Delhi 110001
2. The Chairman,
UPSC. Shahjahan Road,
New Delhi-110 001.
3. Director General,
All India Radio,
Akashwani Bhwan,
Parliament Street,
New Delhi-110001. Respondents

(By Advocate : Shri R.P. Aggarwal)

O R D E R (ORAL)

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

The applicant has assailed Ministry of Information and Broadcasting I.D. No. A-42012/5/89-IIS dated 9.8.1996, (Annexure A), whereby his representation for induction of Foreign Language Monitors in appropriate grade of IIS Group 'A' has been rejected. According to the applicant he has been stagnating as Monitor Tibetan Language (Staff Artist) in the Monitoring Service of All India Radio since

7

1978. The post of Monitor, Foreign Language (Staff Artist) has no promotional avenues and the respondents have not kept their promise of inducting junior officers working as Monitor (Staff Artist) in the Monitoring Service of All India Radio into the Indian Information Services (IIS). The respondents have inducted only 2 other similarly placed officers viz. Shri J.L. Chowdary and Shri P.C. Ahuja into IIS Group 'A' in addition to 24 juniors officers who had been inducted into IIS Group 'B'. The applicant's grievance is that despite several representations his case for induction into appropriate Grade of IIS Group 'A' has been summarily rejected. He has sought induction into IIS Group 'A' w.e.f. 4.9.1982 when his two other colleagues Shri J.C. Chowdary and Shri P.C. Ahuja were inducted into IIS Group 'A'.

2. The respondents in their counter have admitted that in 1982 Government had decided to merge all the 14 posts of Monitors, Foreign Language in the Central Monitoring Service of All India Radio with Grade II of the Central Information Service (since rechristened as Indian Information Service). Out of these 14 posts, only 6 have been filled up. Of these, one officer has already crossed the age of retirement and another has left the service. The induction of any post into the Central Information Service (CIS) can be made only with the concurrence of the Union Public Service Commission. When the matter of

1/2

(8)

induction of the post of Monitoring into the Central Information Service was taken up with the UPSC, the UPSC agreed for inclusion of only two posts of Monitor (Foreign Language) in the junior grade IIS Group 'A' purely as a one-time measure until they vacated the posts or retired from service whichever was earlier. Accordingly the Recruitment Rules of Indian Information Services (IIS), Group 'A' were amended by GSR No. 92 E dated 28.1.1992 inducting two posts of Monitors (Foreign Language) of Central Monitoring Service, Directorate General of All India Radio into the IIS. As a result of this amendment only two seniormost incumbents of the post of Monitor i.e. Shri J.C. Chaudhary and Shri P.C. Ahuja were inducted into the service. Both of them have since vacated the post of Monitor Foreign Language and in accordance with stipulation of Recruitment Rules their posts also have been excluded from IIS. According to the respondents, there are two categories of Monitors in the Central Monitoring Service, namely (i) Monitor (Indian Languages) - monitoring programmes in Indian Languages; and ii) Monitor (Foreign Language) - monitoring programmes in foreign languages, broadcast/telecast by electronic networks. The Monitors (Indian Languages) were in the pay scale of Rs. 1400-2600 and so they were merged with the comparable grade of the IIS, i.e. Junior grade of IIS, Group 'B' The Monitors (Foreign Language) are in the pay sale of Rs.2200-4000 which is equivalent to

12

9

the junior time scale of IIS Group 'A', Accordingly, their induction was considered into that grade only.

3. We have heard the learned counsel of both the parties and considered the material available on record. According to the counsel of the applicant the instant case is fully covered by order dated 22.3.2000 passed in OA No. 2316/96 Obaidur Rehman Vs. Union of India (copy placed on record) in which Bench one of us Shri V.K. Majotra, Member (A) was a Member. We are satisfied that the facts in the instant OA are similar to those in OA 2316/96. We are satisfied that the facts and issues in this case are similar to those of OA 2316/96. Therefore, the present OA is being disposed of by a similar order. We find that it has not been explained by the Respondents why the UPSC had agreed to induct only two post of Monitors Foreign Language into the IIS as one time measure only. The applicant has been stagnating as Monitor for the last 22 years having joined as such in 1978 whereas 26 Monitors (24 of his other colleagues i.e., Monitors (Indian Language) and 2 Monitors (Foreign Language) were provided avenues for promotion into IIS Group 'B'. He had been left high and dry. In our view, the respondents have acted in an arbitrary manner in excluding the applicant from induction into IIS, Group 'A'. It is a fit case for removal of stagnation of the applicant. The respondents are, therefore, directed to induct the applicant into the IIS Group



(10)

'A' with effect from 4.9.92 i.e. the date his colleagues Shri J C Chaudhary and Shri P C Ahuja were so inducted. The applicant will be entitled to all the consequential benefits. The OA is, accordingly, allowed and the respondents are directed to take necessary action in the aforestated terms within a period of 3 months from the date of receipt of a copy of this order. There shall, however, be no order as to costs.



(V.K. MAJOTRA)
MEMBER (A)



(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

Mittal