

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2316/1996

New Delhi this the 22nd day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Obaidur Rehman S/O Atiqur Rehman,
working as Monitor (Arabic)
Staff Artist, Central Monitoring Service,
Aya Nagar, A.I.R.,
New Delhi.

... Applicant

(None present for Applicant)

-Versus-

1. Union of India through
Secretary, Ministry of I&B,
Shastri Bhawan,
New Delhi-110001.

2. Chairman,
UPSC, Shahjahan Road,
New Delhi-110001.

3. Director General,
A.I.R., Akashvani Bhawan,
Parliament Street,
New Delhi-110001.

... Respondents

(None present for Respondents)

O R D E R (ORAL)

Shri V. K. Majotra, AM:

The applicant has preferred this application against the respondents' order dated 9.8.1996 [Annexure-A] whereby his representation for induction of Foreign Language Monitors in appropriate grade of the Indian Information Service (IIS) Group 'A' has been rejected.

2. The applicant has stated that he has been stagnating as Monitor (Arabic) (Staff Artist) in the Monitoring Service of the All India Radio for the last over 21 years. The post of Monitor Foreign Language (Staff Artist) does not have any promotional avenues and the respondents have backed-out on their promise

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of inducting junior officers working as Monitor Indian Languages (Staff Artist) in the Monitoring Service of the All India Radio into the IIS. The respondents similarly placed by have inducted only two officers, namely, Shri J. L. Chaudhary and Shri P. C. Ahuja. in addition to 24 other junior officers earlier by The applicant used to be in the pay scale of Rs. 700-1300 in the year 1978 which was subsequently revised to Rs. 2200-4000. Vide Annexure-B dated 31.7.1989 the respondents had indicated that the proposal for induction of 14 posts of Foreign Language Monitors into the IIS had almost been finalised and that induction orders would be issued in a month or so. Annexure-C dated 6.12.1989 indicates that the Cabinet had taken a decision for induction of Foreign Language Monitors' posts into the IIS and the respondents had decided not to frame any separate recruitment rules. Subsequently by order dated 31.10.1989 the respondents inducted 24 junior officers and promoted them to Group 'B'. Again the respondents by a notification dated 28.9.1992 inducted two other officers into the IIS.

3. The applicant's grievance is that despite several representations his case for induction with consequential benefits into appropriate grade of IIS Group 'A' has been summarily rejected. The applicant has sought his induction into the IIS Group 'A' w.e.f. 4.9.1992 when his two other colleagues Shri J.L. Chowdary and Shri P.C. Ahuja were inducted into the IIS Group 'A'.

4. The respondents in their counter have admitted that in 1982 the government had decided that all the 14 posts of Monitors Foreign Languages in the

Central Monitoring Service of All India Radio should be merged with grade-II of the Central Information Service (since re-named as Indian Information Service). Out of these 14 posts of Monitors Foreign Language, only six were filled up. Of these, one officer had already crossed the normal age of retirement and another had left the service. The induction of any posts into the Central Information Service can be made only with the concurrence of the UPSC. The matter of induction of the posts of Monitors into the Central Information Service was taken up with the UPSC which agreed to inclusion of only two posts of Monitors Foreign Languages in the junior grade of 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 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, All India Radio into the IIS. In pursuance of this amendment, only two seniormost incumbents of the post of Monitor, i.e., Shri J.L. Chaudhary and Shri P.C. Ahuja were inducted into the Service. Both of these officers had since vacated the post of Monitor Foreign Language and in accordance with the stipulation of recruitment rules their posts also stand 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

of foreign countries. 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 scale of Rs.2200-4000 which is equivalent to the junior time scale of IIS Group 'A'. Accordingly their induction was considered into that grade only.

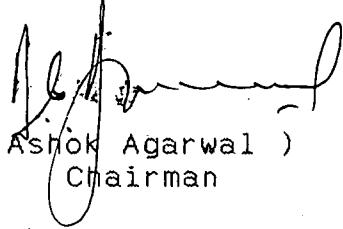
5. We have considered the material available on record. We find that whereas the Government had decided in 1989 to induct all 14 posts of Foreign Language Monitors into the IIS and had in fact inducted ¹⁴ ~~24~~ Monitors (Foreign and Indian Languages) into the IIS Group 'A' and another two Monitors vide orders dated 31.10.1989 and 28.9.1992 respectively. The representation of the applicant was rejected vide Annexure-A on 9.8.1996 summarily.

6. It has not been explained by the respondents why the UPSC had agreed to induct two posts of Monitors (Foreign Language) into the IIS as a one-time measure only leaving behind the remaining Monitors (Foreign Language) to stagnate. The applicant has been stagnating as Monitor (Arabic) for the last over 21 years and whereas 26 of his other colleagues were ¹⁴ provided avenues for promotion into the IIS Group 'B' ~~1/2~~ he has been left high and dry.

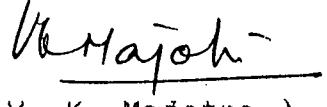
7. In our view, the respondents have acted in an arbitrary fashion in excluding the applicant from induction into the IIS Group 'A'. It is a fit case for removal of stagnation of the applicant. The 14

respondents are, therefore, directed to induct the applicant into the IIS Group 'A' with effect from 4.9.1992, i.e., the date on which his colleagues Shri J.L.Chaudhary and Shri P.C.Ahuja were so inducted into the IIS Group 'A'. The applicant will be entitled to all consequential benefits flowing from such induction.

8. The O.A. is accordingly allowed in the aforesated terms. There shall, however, be no order as to costs.


(Ashok Agarwal)

Chairman


(V. K. Majotra)

Member (A)

/as/