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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 243/1996

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New Delhi this the 1st day of February, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. Bodhisri Shastri  
W/O Shri Harish Chawla,  
R/o AIR Hostel, Room No.72-73,  
Curzon Road,  
New Delhi - 110001.

... Applicant

( By Shri S. Y. Khan, Advocate )

-Versus-

1. Union of India through  
Secretary, Ministry of  
Information & Broadcasting,  
Govt. of India,  
Shastri Bhawan,  
New Delhi.
2. Director General,  
All India Radio,  
Parliament Street,  
Akashvani Bhawan,  
New Delhi.
3. Director,  
External Services Division,  
All India Radio,  
Parliament Street,  
New Delhi.
4. Shri Dilip Chandra,  
Supervisor (Indonesian Service),  
External Services Division,  
All India Radio,  
Parliament Street,  
New Delhi - 110001.

... Respondents

O R D E R (ORAL)

Shri N. V. Krishnan, Acting Chairman —

We have heard the learned counsel. The applicant is aggrieved by the promotion given to the 4th respondent as Supervisor in the Selection Grade in the External Services Division, All India Radio. She contends that this promotion has been given in accordance with the Annexure A-4 Scheme regarding Cadre Structure of the Foreign Language Staff of

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External Services Division of the AIR. Learned counsel submits that this Scheme itself was prepared in pursuance of a direction given by this Tribunal on 11.10.1993 in O.A. No.2036/90, Annexure A-3. According to him, the posts those have been created in the selection grade should be filled up only on seniority basis and the applicant being 3rd in the seniority list ought to have been appointed in preference to the 4th respondent who stands at sl. No. 7. We have seen the Scheme relating to Supervisor (Selection Grade). It provides that out of the 15 posts of Supervisors in the ordinary grade of Rs.3000-4500, three posts will be upgraded in the grade of Rs.3700-5000. It is provided that the officer who is approved for appointment to the selection grade will continue to discharge the same duties as performed earlier and the post will revert back to the post in the grade of Rs.3000-4500 after the incumbent in the selection grade vacates the post.

2. It is further provided that pending formal amendments and framing of recruitment rules in this regard, the posts will be filled up provisionally on the above provisions of the scheme but the appointments will be treated as regular with effect from the date of the provisional appointment after the rules are notified.

3. Learned counsel has two contentions. One is that it should be filled by seniority, and the second is that as these are ad hoc appointments, only the principle of seniority is to be followed. We are unable to agree with the learned counsel.

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4. At this stage, the learned counsel seeks additional time to argue this case. We are not inclined to agree. We are of the view that as the selection grade is in lieu of promotion, it cannot be filled by seniority. The learned counsel seeks permission to withdraw the OA. We are not inclined to permit this as the matter has been argued for some time. The Scheme itself states "The appointment to the post of Supervisor( Selection Grade) will be by the method of promotion on selection basis." Therefore, merely because the applicant is senior to the fourth respondent, is not an adequate ground because respondent 4 could have been adjudged to be a more meritorious person.

5. There is no evidence to show that the post was filled on ad hoc basis and that, therefore, seniority only should count for promotion. Para 5 of the Scheme states that pending notification of rules, the promotions will be provisional. After the rules are framed, the promotion will be treated as regular from the date of provisional promotion. It is clear that promotion has been made regularly.

6. In the circumstance, we do not find any merit in this OA and it is accordingly dismissed.

A Veda Valli  
(DR A.VEDAVALLI)  
MEMBER(J)

N.V. Krishnan  
1.2.96  
( N.V.KRISHNAN)  
ACTING CHAIRMAN