

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...  
OA.No.1167 of 1997

Dated New Delhi, this 29th day of August, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

1. Programme Staff Association of  
AIR & Doordarshan, through  
Ajay Kumar  
S/o Shri R. K. Prasad.  
R/o 77/3-B, Kali Bari Marg  
NEW DELHI 110 001.

2. S. C. Bhatia  
S/o Shri G. C. Bhatia  
R/o C-18-Soami Nagar  
NEW DELHI-110 017.

3. K. K. Dutt  
S/o Late Shri B. R. Dutt  
R/o Flat No.4 Vasant Vihar  
Police Station  
NEW DELHI.

... Applicants

By Advocate: Shri S. Y. Khan

versus

Union of India, through  
Secretary  
Ministry of Information & Broadcasting  
Shastri Bhavan  
NEW DELHI - 110 001.

... Respondent

By Advocate: Shri R. V. Sinha

O R D E R (ORAL)

Dr Jose P. Verghese, VC(J)

The applicants in this case are aggrieved by non-holding of DPC in time before their cases are being considered while the Prashar Bharati Scheme comes into full operation where different streams are going to be merged.

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△ In reply to show cause notice the respondents have stated in their reply that the DPC could not be held in this case for the reason that the promotion from the feeder grade of Programme Executive to be done by selection on the basis of seniority-cum-fitness, was a dispute pending in the various Benches of this court. Subsequently the matter was referred to a larger Bench and the Full Bench of this court has decided that the method of recruitment in this case by promotion from the feeder grade of Programme Executive is to be done by selection and not by seniority-cum-fitness. It was also stated in the counter affidavit that the High Court of Madras has given an interim stay against the said decision, and as the said order is sub-judice, the applicants are not entitled to any benefit. The applicants, on the other hand, apprehend that in the meantime, the service will be merged when the Prashar Bharti Scheme will come into operation.

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In the circumstances, we would like to dispose of this application rather than keep it pending with a direction to the respondents that after the said stay orders are lifted by the court or the matter is decided by competent superior court, the benefit of the same shall be given to the applicants by holding DPC in accordance with the

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rules. It goes without saying that the DPC will have to consider these cases as on the date when the vacancy arose, year-wise and according to the Recruitment Rules then applicable to each case whether the merger has effected or not, their individual cases will be subject to revision after the competent court decides the issue of whether the method of selection or seniority-cum-fitness is to be applied to the cases of the applicants.

With these, the OA is disposed of. No order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER(A)

  
(DR JOSE P. VERGHESE)  
VICE CHAIRMAN(J)