

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1886/97

New Delhi this the 21 Day of May 1998

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri R.K. Ahooja, Member (A)

1. Shri Padarabinda Das,
S/o of Shri Kanhu Charan Das,
Deputy Director,
Staff Training Institute
(Tech.) AIR and TV
Delhi-110 009.
2. Shri Deepak Kumar,
Son of Shri Kewal Krishan
Deputy Director,
O/o C.E. (R&B)
AIR, New Delhi.
3. Shri Ranvir Singh Tyagi,
S/o Shri Mangoo Singh,
Assistant Director,
Directorate General
AIR, New Delhi.
4. Rajendra Prasad Joshi,
S/o Shri Pukran Chandra Joshi,
Asstt. Director (Engg.),
Staff Training Institute,
AIR and TV, Kingsway Camp,
Delhi.
5. Shri Sanjeev Chawla,
S/o Shri S.P. Chawla,
Asstt. Director (Engg.),
Dte. General of AIR,
New Delhi.
6. Shri H.S. Dhillon,
S/o Shri Trilok Singh,
Station Engineer,
AIR, New Delhi.
7. Ms. Neelam Singh,
D/o Shri Brij Pal Singh,
Asstt. Director,
Directorate General of AIR,
New Delhi.
8. Shri Ashish Bhatnagar,
S/o Shri K.G. Bhatnagar,
Deputy Director (R),
O/O C.E (R&D) AIR,
New Delhi.
9. Shri George Kuruvilla,
S/o Shri Kukruvilla Peter,
Deputy Director,
Dte. General of Doordarshan,
New Delhi.

Petitioners

(By Advocat: Shri B.S. Mainee)

-Versus-

1. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi
2. The Director General,
All India Radio,
Akashvani Bhawani,
New Delhi-110 001.
3. The Director General,
Doordarshan,
Doordarshan Bhawan,
Mandi Hoiuse,
New Delhi.

Respondents

(By Advocate: Shri S. Mohd. Arif)

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The applicants herein seek the benefit of this Tribunal's order in OA No. 337/92 which has been implemented by the respondents vide their Order dated 10.7.1997 (Annexure A-1)

2. The case of the applicants, in brief, is that they were directly appointed as Group A officers through UPSC in the Junior Time Scale (JTS) cadre of Indian Broadcasting (Engineering) Services in the years 1987-90. Rules provide for promotion to the next Senior Time Scale by holding a DPC. As per recruitment rules posts in JTS cadre are filled up 50% by direct recruitment through UPSC and 50% by promotion from the post of AEs who in turn are promoted from the posts of Engineer Assistant. By order dated 12.3.1992 the respondents had promoted 108 officers who were in Junior Time Scale to the Senior Time Scale. As some of the officers promoted were junior to the direct recruit officers such as the applicants

herein, some of their colleagues, who had been left out, filed an OA No. 337/92 Rakesh Kumar and ors. Vs. Union of India praying for directions to the respondents to promote them also. The matter came up before Lok Adalat on 2.10.1996 when the respondents gave a statement that in view of the provisions of rules mentioned in note 3 Schedule IV of Indian Broadcasting (Engineering) Services 1981 the applicants will be considered in the DPC. There upon the applicants herein also submitted a representation in February 1997 that they should also be considered for promotion but while the respondents vide their order dated 10.7.1997 gave the benefits of promotion to the STS to those who were applicants in OA No. 337/92, they did not give the same relief to the applicants herein. The applicants claim that they are senior even to some of those direct recruits who have been promoted by Order Annexure A-1 and if their juniors happen to be considered then respondents are duty bound to consider the applicants also.

3. The respondents in their reply have raised a preliminary objection that the present application is hopelessly time barred as the cause of action had arisen as far back as in 1992. On merits they say that if the relief is granted it will affect the long settled seniority in the higher grade. A large number of reversions will also take place. They further submit that the applicants could not be considered for promotion to the post of STS on the ground that they had not

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(12)

completed the probationary period at the relevant time; as provided in DOP&T OM No. 22011/7/86-Estt(D) dated 18.7.1989 the seniors can be considered irrespective of their completing the requisite qualifying period only if they have completed their probation period.

4. In their rejoinder the applicants say that they had completed their requisite probationary period as they had been appointed in ~~March~~⁸⁻⁷⁻⁸⁹ and the required probationary period was only of two years duration.

5. We have heard the learned counsel for the applicants who submits that delay has to be condoned as the respondents were duty bound to give similar relief to the similarly placed persons. In this connection he relied on Amrit Lal Vs. Collector of Central Excise Delhi (S.C) 1975(1) SLR SC 153 in which ~~the~~ their Lordships of the Supreme Court observed that when a citizen aggrieved by the action of the Government Department has approached the court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the department concerned and to expect that they will also be given the benefit of this declaration without the need to take their grievances to court. The learned counsel also cites Constitution Bench judgement of the Hon'ble Supreme Court in K.C. Sharma & Ors. Vs. Union of India 1998(1) AISLJ 54 in which it was held that

Dr

13

the Tribunal should have condoned the delay in the filing of the application when the relief sought for was similar to the one granted by the Full Bench of the Tribunal in case of other similarly placed persons.

6. We have considered the matter carefully. It has not been denied by the respondents that four of the applicants herein are senior to those who obtained the benefit of OA No. 337/92. Therefore, they are, if otherwise eligible, entitled to the benefit of the law laid down by the Tribunal in OA No. 337/92, even if the said consequential benefits, if any, arising in their favour as a consequence are to be restricted in the time frame in which they have approached the Tribunal for relief.

7. Learned counsel for the respondents has also argued that the applicants herein could not be granted the benefit also because they had not completed the requisite period of probation when their juniors were considered. Since neither party has produced orders regarding the completion of probation of the applicants, we cannot go into this dispute of fact. However the details would be available with the respondents in their records and would thus be easily verifiable.


8. In the light of the above discussion, we dispose of this OA with the direction that the applicants will, with reference to the date of


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14

completion of probation of the applicants allow them the same benefits as ^{here} granted to the applicants in OA No. 337/92. However the applicants will not be entitled to any arrears of pay till the date of filing of their application i.e. 6.8.1997. The respondents will comply with these directions within three months from the date of receipt of a copy of this order.

No order as to costs.


(R.K. Ahooja)
Member (A)


(T.N. Bhat)
Member (J)

Mittal

OA decided on
2/1/98
from MA 19/2/98
for extending time
for 3 months