

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2711/1997

New Delhi this the 19th day of January, 2000

Dr. Rafeeq A. Masoodi
S/O Late Sh. Ghulam Ahmed Masoodi,
Station Director,
Commercial Broadcasting Services,
Radio Kashmir, Srinagar.

.. Applicant

(By Advocate Sh. S. Y. Khan)

Versus

Union of India, through
the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.

.. Respondent

(By Advocate Sh. K. C. D. Gangwani)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Applicant is aggrieved by the order issued by the respondent dated 6.5.1997 in which he has claimed that his promotion as Senior Time Scale (STS) should be advanced.

2. The relevant brief facts of the case are that the applicant who is an officer of Programme Production Cadre of AIR was considered for promotion from Junior Time Scale (JTS) to STS of the service in the DPC held on 14.10.1996. Admittedly, the applicant was one of the persons who had been recommended by the DPC for promotion. According to the respondents, the recommendation of the DPC could not be given effect to because ^{of} the stay order against effecting ^{which} promotions to STS was given by the Tribunal (Jabalpur Bench) by order dated 26.11.1996 in OA 801/1996. The stay order was vacated by the Tribunal by order dated 17.3.1997. Another

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reason given by the respondents for the delay in effecting the promotion as per the recommendation of the DPC which met on 14.10.1996 was that they had submitted ^{a/b} proposal for dereservation of certain posts which were reserved for SCs/STs and as, till now, this was not obtained, they could not give effect to the promotions to STS. However, vide order No.22/97-B(A) dated 20.3.97 (Annexure A.6), the respondents had promoted the applicant and other persons who were in Programme Production Cadre of AIR on ad hoc basis in STS. In this order it has been stated that the promotion is purely on ad hoc basis for a period of 6 months from the date they take over ^{the} new posts till regular incumbents become available, whichever is earlier and until further orders.

3. In this OA, the applicant has prayed for a direction to the respondents to grant him promotion on regular basis in STS cadre from the date of recommendation of the DPC held on 14.10.96 with all consequential benefits. In view of the stay passed by the Jabalpur Bench of the Tribunal in OA 801/96 mentioned above, this prayer is untenable and is accordingly rejected.

4. During the hearing, learned counsel for the applicant has submitted that the applicant may be granted promotion on regular basis on the basis of the recommendations of the DPC or at least from the date ^{of} 20.3.97 when he was promoted on ad hoc basis. The respondents in their reply have submitted that this could not be done because they were awaiting dereservation in respect of certain vacancies which were earlier reserved for SCs/STs and the approval of ^{the} National Commission for SCs/STs. However, it is noted that no-where it has been stated by the respondents that the recommendations of the DPC for promotion of the applicant ^{and others} in STS were against one of those posts which have been earlier meant for SCs /STs. Shri Khan,

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learned counsel has submitted that there were as many as 100 posts in this category, which have not been categorically denied by the respondents. In other words, it appears that the DPC which met on 14.10.96 was to consider the eligible general category candidates for promotions against clear vacancies in that category. If that is so, there is no reason why the respondents cannot give effect to the recommendations of the DPC to grant the applicant and other similarly situated persons promotion from the date when the ad hoc promotions were given on 20.3.1997. However, the promotions will be in order of merit and subject to the vacancies being available in the general category against which the DPC recommendations were made.

5. The O.A. is accordingly disposed of as above. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)

Member (J)

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