

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.372/94

New Delhi this the 14th Day of September, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)
Smt. Lakshmi Swaminathan, Member (J)

Smt. Vimal Issar,
R/o A-405,
Curzon Road Apartments,
K.G. marg, New Delhi.

...Applicant

(Applicant in person)

Versus

Union of India through:

1. The Secretary, Ministry of
Information and Broadcasting,
Shashtri Bhawan, New Delhi.

2. The Director General,
Directorate of Doordarshan,
Doordarshan Bhavan,
Mandi House,
New Delhi.

...Respondents

(By Advocate Sh. M.L. Verma)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

The applicant, an official of the Junior Time Scale in the Doordarshan, i.e., under respondent No.2 has filed this application for a direction to the respondents to promote her retrospectively in the Senior Time Scale Group 'A' in the pay scale of Rs.3000-4500 on or before the date of her superannuation, i.e., 31.12.92 with all consequential benefits. She has since retired from service on that date.

2. The respondents have filed a reply. The facts of the case as well as the circumstances in which the applicant could not be promoted have been well explained in paragraphs 3 and 4 of the reply of the respondents, which are reproduced below:-

"3. That this was a new service and no DPCs for promotion could be convened upto 1992 due to certain administrative reasons like screening of options received from the existing Programme

Staff for induction into IB(P)S, as per Rules-6 of IB(P)S, Rules, fixation of upto date strength in each cadre and finalisation of the seniority lists. All the spade-work for holding of the DPCs was completed and DPCs for various grade were convened at the end of 1992.

4. The applicant was working as ASD at DDK, Delhi. Her date of appointment to JTS of IB(P)S (ASD GRADE) was 1.1.86. Her date of retirement on superannuation was 31.12.92. Alongwith other eligible officers the applicant was considered by the DPC for promotion to the STS grade of Doordarshan Programme Production Cadre of IB(P)S. In the meantime, while hearing the O.A. No.2958/92 filed by Sh. Kuber Dutt and others in Hon'ble CAT, court has granted stay order on 30.12.92 directing the respondents not to finalise the promotion to STS grade of Doordarshan Programme Production Cadre of IB(P)S. Hence DPC proceedings could not be finalised before 31.12.92 i.e. date of retirement of the applicant. Later on, the stay granted by the court was vacated on 24.2.93 and thereafter the DPC proceedings were finalised and Promotion orders were issued vide order dated 31.3.93. Since the applicant already retired on superannuation on 31.12.92, her name could not be included in the panel of approved officers for promotion."

3. It is thus clear that while the applicant was still in service, the DPC recommended her name for promotion. That promotion could not be given because of the stay order issued by this Tribunal, which was later on vacated on 24.4.93. Now that the applicant has retired, there is no question of granting her the relief of ^{or actase} promotion to the senior time scale. However, she is entitled to get that benefit at least for the purpose of retirement benefits.

4. In the circumstances, we direct the respondents to grant notional promotion to the applicant in the senior time scale w.e.f. 1.12.92 and have her pay refixed in that scale only for the purpose of granting retiral benefits ^{or on retirement} to her w.e.f. 31.12.92. The retiral benefits shall be now recomputed in accordance with the above direction and paid to her within a period of three months from the date of receipt of this order. The O.A. is allowed on the above terms. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'Sanju'

N.V. Krishnan
(N.V. Krishnan)
Vice-Chairman(A)

14/9/92