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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. No. 2499/89

New Delhi, this the 31st day of August, 1994.

HON'BLE MR JUSTICE S.K.DHAR, ACTING CHAIRMAN
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)

Shri P.S.Verma S/O Shri H.R.Verma,
R/O F-21-A, MIG Hari Nagar Clock Tower,
New Delhi-64. Applicant.
(through in person) vs

1. Union of India,
through the Secretary,
Ministry of Information & Broadcasting,
Government of India, New Delhi.
2. Senior Administrative Officer
for Director of New Editor,
All India Radio, New Delhi. Respondents.
(through K.C.Sharma, Advocate.)

ORDER

(delivered by Hon'ble Mr B.N.Dhondiyal, Member(A))

The applicant is aggrieved that unlike his other colleagues, he was not given an opportunity to give his preference for stations/offices at the time of his promotion as Senior Personal Assistant.

2. At the time of filing this application, the applicant was working as Grade-II Stenographer in the News Service Division, All India Radio, New Delhi. A D.P.C. was held for the post of Stenographer Grade-I in 1986 and the applicant was recommended for selection. He was posted to Bombay but was unable to go to Bombay and requested the Department to accommodate him in Delhi. However, he was debarred for promotion for a period of one year. Another D.P.C. was held in 1988 and the applicant was selected and posted at Madras. He could not leave Delhi even on that ^{occasion} ~~xxxxx~~ and was again debarred for promotion for one year. On the third occasion in

1989 also, the applicant was recommended by the D.P.C. and he was posted at Calcutta as Senior Personal Assistant. He again expressed his inability to proceed to Calcutta and was again debarred for one year for promotion. His grievance is that without giving him option the applicant was debarred whereas other similarly placed employees were given several options. One such option was given on 19/20-10-89 and a copy of this communication has been filed by the applicant.

3. In the counter filed by the respondents, the main averments are these. D.P.C.'s have been convened from time to time without calling for option regarding place of posting from empanelled persons. The D.P.C. held on 13.4.1989 selected 41 persons. The applicant was at Sr.No.15 in the panel. Orders of appointment of persons from Sr.No.1 to 17 were issued on 9.6.1989. There are no rules to call for options but on a demand from the Stenographers Association, it was decided to call for the options to eliminate the delay in issuing orders of promotion of those who were placed at the bottom of the panel and who would be prepared to move out, in case those higher up in the panel were unwilling to do so. On receipt of options, placement was made according to the position of the individual subject to the availability of vacancies.

4. We have gone through the records of the case applicant and the and heard the learned counsel for the respondents. A perusal of the letter dated 25-8-1989 issued by the Director General, All India Radio(Ann.A) shows that the vacancies available at different stations were notified and those in the panel for promotion to the post of Senior P.A. were asked to give their options. However, preference was to be given in accordance with

60)

their position in the panel and in case, no reply was received they were to be debarred from their placement for one year. Thus, the options were to be considered vis-a-vis the rank of a candidate in the panel. The request of the applicant for retaining him at Delhi on promotion was considered but it was not found feasible to accede to his request. No case has been made out that persons junior to the applicant in the panel were retained in Delhi.

5. In view of the above discussions, we hold that this is not a fit case for the Tribunal to interfere. The application is dismissed.

6. There will be no order as to costs.

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A)

S.K. Dhaon
(S.K.Dhaon)
Acting Chairman.

/sds/