

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.No.2537/89

New Delhi, this the 9th day of August, 1994.

HON'BLE MR. JUSTICE D.L. MEHTA VICE CHAIRMAN (J)

HON'BLE SHRI B.K. SINGH MEMBER (A)

Shri SV Sharma  
Sr. Grade Announcer (Hindi)  
O/O Station Director  
All India Radio, Prlt Street.  
New Delhi.

..Applicant

(By R. Venkataramani & Satya Mitra Gar  
Advocates)

Vs.

1. Union of India through  
the Secretary,  
Ministry of I & B  
Shastri Bhavan, New Delhi.
  2. Director General, All India Radio,  
Akashvani Bhawan, New Delhi.
  3. Smt. PL Joshi  
Selection Grade Announcer (AIR, ESD, Delhi)
  4. Smt. Subhashni Chabra  
Selection Gr. Announcer (AIR, CBS, Delhi)
  5. Shri Vipin Mittal  
Selection Gr. Announcer (AIR, ESD, Delhi)
- (By Shri PP Khurana, Advocate) ..... Respondents

ORDER (ORAL)


HON'BLE MR. JUSTICE D.L. MEHTA VICE CHAIRMAN (J)

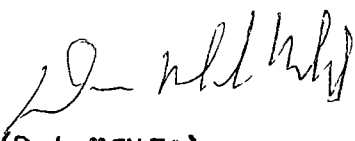
None is present on behalf of the applicant  
Shri MM Sudan is present on behalf of the  
respondents.

Applicant preferred this O.A. and prayed  
therein that respondents No. 1 & 2 be directed to  
consider the applicant for promotion to selection  
grade announcer on the basis of all India seniority  
and in respect of vacancies which occurred prior to  
promotions effected on 9-1-1989 with all consequential  
benefits of pay, allowances and seniority. The  
respondents filed the reply <sup>and</sup> in para 1 it was submitted  
that the promotion is considered on the basis of the  
availability of the vacancies. It is not a fact  
that the vacancies were available. The vacancies

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became available in 1988 and the D.P.C. was convened immediately since the promotion as per recruitment rules approved in 1980 is on the basis of seniority-cum-merit. The case of the applicant was considered and he was not found suitable for promotion. The applicant himself on page 12 of the O.A. has submitted that the rules were revised and under the revised rules promotion <sup>could be made</sup> on regional Group of Station/region-basis/Groups by general or special order combining different stations/units to form one region/group for this purpose. Thus the original scheme which was prevalent prior to 1984 was withdrawn and the rules were revised and the aspirants were considered on the basis of regional groups. It was also submitted by the applicant (page 12) that revised rules came into force on 28-12-1984. It was also submitted by the applicant that in pursuance of the said rules the earlier seniority list dated 3-10-81 was withdrawn and the new seniority list was prepared on the regional basis. Respondents have come out also with the case that the rules were amended on the demand of the artists. The rules are prospective and the amendment will be prospective- say if any vacancy has been approved in 1984 or thereafter can only be filled under the revised rules and the applicant cannot claim any benefit of the old rules. In the result we do not find force in the O.A. and is dismissed. No costs.

  
(B.K. SINGH)  
Member(A)  
'M'

  
(D.L. MEHTA)  
Vice Chairman(J)