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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

QA No. 2044/1988

New Delhi this the 4th Day of January, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (Judicial)

1. Shri J.B. Gupta,
S/o Shri Munna Lal,
Asstt. Station Director,
Doordarshan Kendra, Jaipur.
2. Shri K.C. Swami,
S/o Shri Sukhdev Swami,
Asstt. Station Director,
All India Radio, Broadcasting House,
Sansd Marg, New Delhi.
3. Shri S.C. Gupta,
S/o late Shri R.C. Gupta,
Director of Programmes,
Directorate General, All India Radio,
Akashvani Bhavan, New Delhi.
4. Shri H.R. Saluja,
S/o Shri Hardayal Saluja,
Controller of Programmes,
Doordarshan Kendra, Mandi House,
New Delhi.
5. Shri J.L. Batra,
S/o Shri R.R. Batra,
Dy. Director,
External Services Division,
All India Radio, Broadcasting House,
New Delhi.
6. Shri S.S. Kapoor,
S/Shri S.S. Kapoor,
Asstt. Director of Programmes,
Directorate General, All India Radio,
New Delhi.
7. Shri Narain Parwani,
S/o late Shri Bhagwan Das,
Programme Officer Planning,
Directorate General, All India Radio,
New Delhi.

8. Shri A.K.Dutta,
S/o late Shri B.Dutta,
Director of Programmes,
Directorate General, A.I.R.,
New Delhi.
9. Shri P.N.Varma,
S/o Shri Asha Nand,
Asstt. Station Director,
Doordarshan Kendra,
New Delhi.
10. Shri G.K.Marar,
S/o late Maj. G.Balakrishna Marar,
Asstt. Station Director, A.I.R.,
Cuddapah.
11. Shri Sita Ram Sharma,
S/o late Shri Raghu Nath Sharma,
Asstt. Station Director, A.I.R.,
Lucknow.
12. Shri M.P.Suri,
S/o late Shri S.R.Suri,
Programme Executive, A.I.R.,
Jaipur.
13. Mrs. Ved Kumari Kawatra,
Wife of Shri H.K.Kawatra,
Asstt. Station Director,
External Services Division,
All India Radio, New Delhi.
14. Shri M.C.Varma,
S/o late Shri R.N.Varma,
Asstt. Station Director, A.I.R.,
Kanpur.
15. Shri R.C.Bhatt,
S/o Shri Krishan Kanahiya Bhatt,
Asstt. Station Director,
Commercial Broadcasting Service,
All India Radio, Ahmedabad.
16. Shri P.N.Tirsal,
S/o Shri Aftab Joo Tirsal,
Asstt. Station Director,
Commercial Broadcasting Service,
Radio Kashmir, Srinagar.
17. Shri S.S.Sharma,
S/o late Shri Suman Sharma,
Programme Executive, Doordarshan,
New Delhi.
18. Shri Somiran Choudhary,
S/o Shri S.N.Choudhary,
Controller of Programmes,
Doordarshan Kendra, New Delhi.

19. Dr. Bhim Raj Sharma,
S/o Shri Hanuman Prasad,
Asstt. Station Director,
A.I.R., New Delhi.

...Applicants

(By Advocate Sh. M.C. Juneja though none appeared).

Versus

1. Union of India through the
Secretary, Ministry of Information
and Broadcasting,
Shastri Bhavan,
New Delhi.

2. Director General,
All India Radio,
Akashvani Bhavan,
Sansad Marg,
New Delhi.

3. Director General,
Doordarshan,
Mandi House,
New Delhi.

...Respondents

(By Advocate Sh.P.H. Ramchandani though none appeared)

ORDER (ORAL)

(Hon'ble Mr. N.V. Krishnan)

This application has been filed by 19 officers working in All India Radio and Doordarshan Kendras under the respondents 2 and 3. In paragraph-3 of the application relating to the particulars of the order against which the application is made, it is stated that the application has been made against the Annexure A-1 office memorandum dated 8.8.1988, issued by the Director General, All India Radio, respondent No.2. The said memorandum reads as follows:-

"Sub:-Counting of ad-hoc service in the cadre of Programme-Executive and revision of seniority List.

Reference letter No.MTR.21(247)/87-S dated 18th July, 1988 from Station Director, All India Radio, Mathura forwarding therewith a representation of Dr. J.B. Gupta, Programme Executive on the above subject.

6

2. The representation dated 4.7.1988 of Dr. J.B. Gupta, Programme-Executive, All India Radio: Mathura regarding counting of ad-hoc service for seniority in the grade of Programme Executive in the light of CAT judgment in respect of Shri M.P. Verma, Programme Executive AIR, Delhi and others has been examined. As, in the present form the judgment with specific directions about the placement of the applicants in the seniority list of Programme Executive is confined to them only, the implementation of it also will get confined to them only. There are also no standing instructions of the Govt. which authorise this Department to count ad-hoc service for purposes of seniority etc. In view of this it is regretted that it has not been found possible to accede to the request of Dr. J.B. Gupta. He may be informed accordingly."

2. It is further stated in paragraph-3 of the O.A. that the subject matter of the OA is "Denial of benefits of the judgment delivered by the Hon'ble Tribunal (Principal Bench) on 5.2.1988 in OA 633/86 Shri M.P. Verma and others Vs. Secretary, Ministry of I&B and others in which the Hon'ble Tribunal allowed continuous service as Programme Executive i.e., including the period of ad hoc appointment before regular appointment in the grade, being counted towards seniority and promotion, with all consequential benefits."

3. Accordingly the applicants have prayed for the following important reliefs:-

"(a) to set aside the impugned order at Annexure A-1 issued by respondent No.2;

(b) to direct the respondents to extend all the benefits allowed to the applicants in its judgment in OA 663/86 to all persons similarly placed and in any case, to applicants of this application viz., to grant

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(12)

seniority to them by giving them the benefit of continuous service as Programme Executives, including the service rendered on ad hoc basis, as set-out in column 5 of Annexure A-9 to this application and to consider the case of the applicants for promotion on that basis with all consequential benefits;"

4. The respondents have filed a reply on 17.3.89 in which they have stated as follows:-

"The applicants have challenged DG AIR OM No.6/127/62-SI dated 8.8.88 (Annexure A-1) which has now automatically become null and void in terms of DG AIR O.M. No.8/21/88-SI(B) dated 8.11.88. As in terms of O.M. dated 8.11.88, all persons promoted to the grade of Programme Executive between 1968 to 1974 would get the benefit of this Hon'ble Tribunal's judgement in case No.663/88 to the extent it is permissible under the Govt. rules, the question of setting aside the impugned order dated 8.8.88 (Annexure A-1) does not arise at all. The application has, thus, become infructuous and the same may be dismissed with costs."


5. It is seen from the above submission that the respondents have decided to implement the decision of the C.A.T. (Principal Bench) dated 5.2.1988 in case No.663/86 - M.P. Verma, Programme Executive and Others to all similarly placed Programme Executives. This decision apparently was taken after the Supreme Court rejected the S.L.P. filed by the respondents against the aforesaid judgement. A copy of Supreme Court order dated 19.7.1988 is at Annexure A-3.

6. We are satisfied that the principal grievance of the applicants have already been removed by the Annexure R-1 order dated 8.11.1988 filed with the reply. We, therefore, find that nothing subsists for adjudication in this O.A. Accordingly, we dismiss

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13

this O.A. as having become infructuous. We, however, make it clear that if the applicants have any grievance in regard to non-implementation of the decision at Annexure R-1 dated 8.11.88, it is open to them to seek such redressal, in accordance with law, as advised. No costs.


(B.S. HEGDE)
MEMBER(J)


(N.V. KRISHNAN)
VICE-CHAIRMAN

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