



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1358/2017

This the 16th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Bimlesh Singh, DDE, Gr- A
S/o Sh. Goverdhan Singh
Aged about 40 years,
R/o Quarter No. D-7/9 Radio Colony,
Kingsway Camp, Delhi-09

....Applicant

(By Advocate: Sh. Apurb Lal)

Versus

1. Ministry of Information and Broadcasting,
Through its Secretary
Shastri Bhawan, New Delhi.
2. Prasar Bharti
Through its CEO
Doordarshan Mandi House,
New Delhi
3. DGAIR,
Aakashwani Bhawan,
Parliament Street, New Delhi

....Respondents

(By Advocate: Sh. U. Srivastava for Resp No. 1
Ms. Vertika Sharma for Resp. No. 2 & 3)



ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 2019. Applicant pleads that a total of 13 officers, including applicant, were promoted, vide order No 13/2008-BA (E) Dt. 26.5.2008. It is further pleaded that later on, certain modification was done vide order no. 6/2016 dated 23.08.2016, wherein some of the juniors to the applicant, out of these 13 officers, have been treated to have been promoted with effect from 22.06.2006 whereas the date of promotion of applicant has been kept unchanged as 26.05.2008 only.

The instant OA is filed to challenge the order dated 23.08.2016 (Annexure A1). The applicant has prayed for following reliefs in the present OA:-

- “(i) Direct the respondents to modify the order dt. 23.08.2016, treating the applicant as promoted 22.06.2006 instead 23.05.2008.
- (ii) Call for the record of the case.
- (iii) Pass such other and further order as may deem fit and proper.”

2. Learned counsel for the applicant refers to the order no. 13/2008 dated 26.05.2008 (Annexure A3) whereby 13 persons including the applicant has been promoted to the Senior Time Scale of IB(E)S in the pay scale of Rs. 10,000-15,200. He submits that though the applicant is admittedly senior to various persons, however, the applicant has been given the promotion with effect from 26.05.2008 whereas the juniors have



been accorded the said promotion with effect from 22.06.2006.

3. In response to the notice from this Tribunal, Respondent no. 1 has filed a reply and Mr U Srivastava, learned counsel for respondent no. 1 invites our attention to Para 6 of the Reply which reads as under:-

“6. That this Ministry vide its letter dated 04.07.2018 had requested DG: AIR (Respondent no. 3) to dispose of the representation of the applicant by convening the review DPC and take consequential action. The order dated of MIB is annexed as Annexure R/ 1.”

Para 2 & 3 of the said annexure R/1 of the Reply filed on behalf of Respondent no. 1 reads as under:-

“2. Accordingly, DG: AIR vide letter dated 22.06.2017 stated that claim of Sh. Bimalesh Singh has been examined and was found in order and has been placed accordingly in the revised seniority list which was revised after the issuance of MIB Order No. 09/2016 dated 20.10.2016 whereby Ministry has regularized the ad-hoc service (rendered in JTS grade) of the various applicants in compliance of CAT Orders in different OAs. DG: AIR further opined that due to the placement of Sh. Bimalesh Singh in the revised seniority list it has become desirable to change the date of promotion of Sh. Bimalesh Singh and 4 others from 26.05.2008 to 22.06.2006 to bring parity to the same batch officers. As the clarifications furnished by DG: AIR were self-explanatory, this Ministry vide letter dated 05.10.2017 requested DG: AIR to take necessary action as the review DPC in STS grade for vacancy year 2005-06 was convened in DG: AIR. However, DG: AIR has not taken any action so far for disposing of the representation of Sh. Bimalesh Singh.



3. Meanwhile, Sh. Bimalesh Singh filed Court case in CAT, PB for seeking the relief “to direct the respondents to modify the order dated 23.08.2016, treating the applicant as promoted 22.06.2006 instead of 23.05.2008” i.e. grant of promotion to him w.e.f retrospective date. The same was forwarded to DG:AIr vide letter dated 08.06.2018 forwarded the short reply filed before the Hon’ble Tribunal on behalf of AIr stating therein that Prasar Bharati is the Competent Authority in the matter and hence Prasar Bharati was requested to take necessary action.”

4. Learned counsel for the respondents no. 2 & 3 also does not dispute the submission made by learned counsel on behalf of respondent no. 1.

5. Matter has been heard. In view of the aforesaid facts and circumstances, the present OA is disposed of with direction to the respondents to give effect to their own decision dated 04.07.2018 (Annexure R1) to the counter reply, as referred to hereinabove as expeditiously as possible and in any case within 8 weeks of receipt of copy of this order under advice to applicant. OA is disposed of in the aforesaid terms.

No order as to costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

Sd/neetu/pinky