



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1328/2019

Thursday, this the 22nd day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

1. Rahul Kamboj
Aged 26 years, Fresh Appointment
S/o Shri Rishipal Kamboj
R/o H.No.162, Street No.3
Karan Vihar, Karnal
Haryana-132001.
2. Shriram Sharma
Aged 27 years, Fresh Appoiontment
S/o Shri Lakhpatri Prasad Payasi
R/o 7/220, Shanti Colony
Gali No.2, Bharahut Nagar
Satna, MP-485001.
3. Manoj Kumar Ghuraiya
Aged 31 years, Fresh Appointment
S/o Shri Kartar Singh
R/o Near SAF Batallion
In front of Krishi Vigyan Kendra
Old Aampura Morena
Madya Pardesh-476001.
4. Sagar Bajoliya
Aged 26 years, Fresh Appointment
S/o K. Bajoliya
R/o Gospura No.2
Behind Manmandir Talkies
Hazira, Gwalior, MP-474003.
5. Parveen Kumar
Aged 27 years, Fresh Appointment
S/o Rampal



H.No.18, Village Bhodia Khera
Dist-Fatehabad
Haryana-125120.

6. Ande Ramkhi
Aged 26 years, Fresh Appointment
D/o Shri Bhajan Singh
R/o B-2/176, Harsh Vihar
Lalmandir Road
Delhi-110093.
7. Bhagyashri Prabhakar
Aged 25 years, Fresh Appointment
D/o R.D. Prabhakar
R/o EWS Qr. No.15/16, Vidyadhar Colony
Khajuraho, Chhatarpur, MP-471001.
8. Nitin Bihari Pandey
Aged 26 years, Fresh Appointment
S/o Gopal Pandey
R/o Village-Ahirupur
Post-Ghaziyapur Dist. Mau
Uttarpradesh-221601.
9. Shashank Sukla
Aged 25 years, Fresh Appointment
S/o Shri Chhedi Lal Shukla
R/o H.No. 389, Krishna Ganj
Bindi, Fatgehpur, Uttar Pradesh.
10. Rahul Kumar Arya
Aged 26 years, Fresh Appointment
S/o Shri Gokul Prasad
R/o Near Royal Maruti Service Station
Hamirpur Chungi, Mahoba
Uttar Pradesh-210427.
11. Akhil Chaturvedi
Aged 26 years, Fresh Appointment
S/o Shri Sunil Kumar
R/o H.No.81, Panchkuiyan
Jhansi, U.P.-284002.
12. Shashendra Chahar
Aged 28 years, Fresh Appointment



- S/o Shri Bacchu Singh
R/o H.No. 144, Old Arya Nagar
Ghaziabad, U.P.-201001.
13. Anil
Aged 26 years, Fresh Appointment
S/o Shri Jai Singh
R/o VPO, Mokhra Khas Pana

Khandyan, Rohtak
Haryana-124022.
14. Sundar Lal
Aged about 31 years
S/o Shri Hori Lal
R/o M-1018, Bijuri Colliery
District Anuppur
Madhya Pradesh-484440.
15. Himanshu Singh
Aged about 26 years
S/o Shri Jitendra Bahadur Singh
R/o 63, Muhalla Khurrampur
Near Durga Mandir Post Sadar
Gorakhpur, U.P.-273001.
16. Pramila
Aged 30 years, Fresh Appointment
D/o Shri Bhajan Singh
R/o B-2/176, Harsh Vihar
Lalmandir Road
Delhi-110093.

.. Applicants

(By Advocate : Mr. Anuj Chauhan)

Versus

1. Prasar Bharati
Through CEO
Mandi House, New Delhi.
2. Directorate General
All India Radio
Through its Director General
Akashvani Bhawan, Sansad Marg
Pandit Pant Marg Area

Sansad Marg Area, New Delhi-110001.



3. Shri D.P. Shukla
Dy. Director Admin (E)
Directorate General, All India Radio
Akashvani Bhawan, Sansad Marg
Pandit Pant Marg Area
Sansad Marg Area, New Delhi-110001.

4. Staff Selection Commission
Through Secretary

Block-12, CGO Complex
Lodhi Road, New Delhi.

.. Respondents

(By Advocates : Ms. Vertika Sharma and Mr. K M Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy:

On 23.02.2013, an Advertisement was issued for selection and appointment of Engineering Assistants and Technicians in Prasar Bharti. The process involved conducting of written test. The applicants responded to the Advertisement and took part in the examination. The results were declared and they were required to exercise the options as regards the zones. In accordance with the policy guidelines, the applicants were offered appointment to the post of Technician on 25.08.2015, and they joined in the respective zones. Thereafter, the applicants made a representation dated 18.10.2016, stating



inter alia that they were entitled to be appointed as Engineering Assistants, and that the same was denied to them.

2. Claiming that no order was passed on their representation, the applicant filed O.A. No.3558/2017 before this Tribunal. That was disposed of on 22.09.2017 directing the respondents to pass orders. Since the order was not implemented by the respondents, the applicants filed C.P. No.130/2018. Through order dated 04.09.2018, the 1st respondent recommended the names of the applicants to the 2nd respondent for offering the post of Engineering Assistant, stating to be in compliance with the orders passed by the Tribunal in various O.As, However, vide order passed in February, 2019, the 2nd respondent rejected the representation of the applicants without considering their names. This O.A. is filed challenging the order dated 04.09.2018 and the order passed in February, 2019.

3. The applicants contend that the very policy guidelines were defective and that they ought to have been appointed as Engineering Assistants on the basis of merit achieved by them in the examination.

4. The respondents filed a detailed counter affidavit. According to them, the appointments were made in accordance



with the policy guidelines, depending upon the rank in the written examination as well as options as regards the zones. It is also stated that the applicants joined the post without any demur and it is only when the order was passed in certain other cases that the representation was preferred by the applicants.

5. We heard Mr. Anuj Chauhan, learned counsel for applicants and Ms. Vertika Sharma and Mr. K M Singh, learned counsel for respondents, through video conferencing.

6. The respondents initiated steps for appointment to the posts of Engineering Assistant and Technician. The examination was common for both, but the method of appointment was slightly different. The results were declared and the candidates were required to exercise their options. The applicants and other successful candidates have exercised their options for allocation. It is stated that through the recruitment notice dated 23.02.2013, the method of allocation was declared.

It reads as under:

“The Prasar Bharati (PB), is statutory autonomous body established under the Prasar Bharati (Broadcasting Corporation of India) Act 1996. It is India’s largest broadcaster and comprises Doordarshan & All India Radio. It wishes to recruit young and skilled personnel for manning posts of Engineering Assistant & Technician in offices spread all over the Country. Applications are invited from Indian Nationals who fulfill the prescribed qualifications and age etc. for these posts. Staff Selection Committee (SSC) Government of India, will make



recruitment to these posts on behalf of the Prasara Bharati under special dispensation given by the Government. The candidates selected through this recruitment for posts in PB will NOT, however, have the status Central Government Civilian employees. As such they will not be eligible for benefit of age relaxation, etc. admissible to Central Government Civilian employees in recruitment made by the Staff Selection Commission for Ministries/Departments/Attached and Subordinate Offices under Government of India and will not be entitled to claim parity with Central Government Civilian Employees in any manner whatsoever.

Only online applications will be accepted at <http://ssconline.gov.in>. Candidates are advised to make sure that they are eligible in all respects before applying for the posts. Candidates are required to submit only one application irrespective of the number of posts for which option is exercised by them.

A(1)- VACANCIES (Posts of Engineering Assistant & Technician)

Zone-wise and post-wise projected vacancies, scale of pay and age limits are given below. The total number of vacancies may vary at the discretion of Prasar Bharati. A panel for appointment against the said vacancies shall be prepared. The candidates indicated in the panel will be given appointment against the vacancies in phases extending over a period of two to three years.

7. The applicants were issued offer of appointment for the post of Technicians. In case, they had any objection for their being selected and appointed as Technicians, they were expected to make representation or record their protest before joining. They have joined the duties and it is only thereafter, i.e., on 03.08.2016, that a representation was made. By that time, the appointments were made and entire selection process was concluded.



8. Assuming that there existed a possibility for re-adjustment of the applicants against the post of Engineering Assistant, that would have effect of replacing the persons, who were already appointed as Engineering Assistants. At any rate, they have waived their right, if any, for appointment to the post of Engineering Assistant, by joining the post of Technician without any protest or demur.

9. The order dated 04.09.2018 was passed in the course of implementation of the order passed in various O.As. We do not find any ground to interfere with the said order. If the applicants are aggrieved by the said order, they have to assail that in accordance with law.

10. We do not find any merit in this O.A. It is accordingly dismissed.

11. Pending M.As., if any, shall stand disposed of.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 22, 2020

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