

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

D.A.2258/89  
CCP 67/90

New Delhi, This the 27th Day of May 1994

Hon'ble Mr. Justice V.S. Malimath, Chairman

Hon'ble Mr. P.T. Thiruvengadam, Member(A)

1. Smt Gayatri Raghothaman  
w/o Shri S. Raghothamam  
Aged 34 years  
R/O F.233, Moti Bagh, New Delhi.
2. Shri Sushil John  
S/o Shri Jhon A Singh  
Aged 40 years  
R/O E2/20 Gali No.2 Shastri Nagar  
New Delhi.

...Applicants

By Shri T C Aggarwal, Advocate

Versus

1. Director General of All India Radio  
Akashwani Bhawan, Parliament Street,  
New Delhi -1
2. Station Director  
All India Radio, New Delhi.1

...Respondents

By Shri M.M. Sudan, Advocate

O R D E R(Oral)

Hon'ble Mr. Justice V.S. Malimath, Chairman

- case is that they
1. The petitioners have been denied promotion  
to the cadre of Head Clerk/Accountant/Senior  
Store Keeper contrary to the statutory rules.

The petitioners having passed the qualifying  
examination in accordance with the amendment

to the All India Radio(Group C Posts) Recruitment  
mention that  
(Second amendment) Rules 1988 they are entitled

....2/-

to be promoted in the quota reserved by the 1988 Rules for direct recruitments. Having been promoted by order dated 3.8.1989 Shri Laxmi Narain, Shri Anand Mahesh, Smt Aruna Kumari and Shri Ami Lal the petitioner No.1 Smt Gayatri Reghothamam was entitled to be promoted in the fifth vacancy. However the fifth vacancy has also been given to another person on the basis of seniority cum merit which clearly is/illegal. But the respondents have stated that they have reserved two vacancies having regard to the pendency of the case. Hence we are inclined to take the view that the first petitioner is entitled to be considered for promotion in the fifth vacancy as on the date of order 3.8.1989 and placed below Shri Ami Lal. So far as Shri Sushil John, the second petitioner is concerned he would be entitled to the next vacancy arising after promotion another four incumbents on the principle of seniority cum merit. The respondent shall ascertain the due date and accord promotion to the second petitioner. Consequent upon these directions the first petitioner would be deemed to have been promoted from 3.8.89 and the second petitioner shall be deemed to have been promoted with effect from the date on which the fifth vacancy arises after the promotion of the first petitioner. He shall be deemed to have been appointed with retrospective effect from that date.

Both the petitioners are entitled for the consequential benefits including fixation of pay and arrears of pay. Undoubtedly they are also entitled to their seniority in the promotional next cadre. These directions shall be carried out within three months from the date of receipt of this order. Consequently the CCP 67/90 also stands disposed of. No costs.

*P. J. 25*  
(P.T. THIRUVENGADAM)  
Member (A)

*V. S. Malimath*  
(V.S. MALIMATH)  
Chairman

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