

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.650/2015

Reserved on:10.08.2021
Pronounced on: 18.08.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Radha Mohan Sharma son of Late Shri R.K.Sharma, aged around 53 years, resident of B-213, Kirti Nagar, Tonk Road, Jaipur. Presently working as Administrative Officer, Doordarshan Kendra, Jaipur. ...Applicant.

(By Advocate: Shri Amit Mathur)

Versus

1. Prasar Bharti through its Chief Executive Officer, second Floor, PTI Building, Parliament Street, New Delhi.
2. Director General, AIR, Prasar Bharti, Akaswani Bhawan Parliament Street, New Delhi.
3. Station Director, Akaswani, M.I.Road, Jaipur. ...Respondents.

(By Advocate: Shri N.C.Goyal)

ORDER

Per: Dinesh Sharma, Member (A):

In this OA, the applicant has prayed for the following main relief:

“(i) The present original application may kindly be allowed and respondents may be directed to give consequential seniority to the post of Accountant and Administrative Officer in pursuance to the order dated 21.08.2013 to the applicant. The respondents may be directed to give promotion to the applicant on the post of Accountant w.e.f.

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24.02.1998 and further to the post of Administrative Officer.”

2. The order mentioned above is annexed at Annexure A/5 and is reproduced below:

“प्रसार भारती
(भारत का लोक सेवा प्रसारक)
आकाशवाणी : जयपुर

“क्रमांक जय (राज.जोन) 1 (16)/2013-एस/6337 दिनांक: 21.08.2013

आदेश

महनिदेशालय के पत्र सं ए-23024/01/2010-एस-2/1410 दिनांक 16.11.2012 के अनुसार एवं आपके आवेदन पत्र दिनांक 19.11.2008, 25.08.2012 व 17.07.2013 के संबंध में आपकी वरिष्ठ लिपिक के पद पर नयी वरीयता के 11.12.87 के स्थान पर 15.04.87 की जाती है।

यह आदेश सक्षम अधिकारी को अनुमति से जारी किये जाते हैं।

(आशा वाघवानी)
प्रशासनिक अधिकारी
कृते केन्द्राध्यक्ष”

3. The claim of the applicant, in brief, is as follows:

The applicant was appointed on ad hoc basis as Clerk Grade-II and his services later regularized w.e.f 13.10.1980. Following a decision of this Tribunal, he was treated as a regular appointee from the date of his ad hoc appointment, and thereafter, following a decision of the review DPC, he was recommended for promotion to the post of Clerk Grade-I from the date his junior was promoted. He was granted this promotion from 11.12.1987. He got further

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promotion to the post of Accountant on 11.12.2003 and as Administrative Officer from 19.07.2013. The applicant has stated that he has submitted representations for changing the date of promotion to the post of Clerk Grade-I (UDC) as person junior to him was offered promotion in March 1987 but he joined on the promotion post in December 1987. He took 9 months in joining due to personal reasons. He had given examples of three other persons who were given such benefits of revising their dates of promotion subsequently. Finally, his request has been accepted revising his date of promotion and his seniority by the order quoted above. He has further asked the respondents to change the dates of his next promotions from the post of Clerk Grade-I to the post of Accountant (to 24.02.1998) and from the post of Accountant to the post of Administrative Officer to an earlier date (without specifying any date). Since they have not accepted his demands, despite a notice sent through his advocate, he has filed this OA.

4. The respondents have denied the claim of the applicant. It is stated that the applicant's claims are based on an afterthought. He remained on the post of Accountant from the year 2003 till he was promoted as Administrative Officer in the year 2013, and never raised this claim. The applicant was promoted following a DPC in the year 2003, while the person who he is claiming to be his junior, got this

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promotion earlier, following a DPC of 1997. The respondents have also disowned the order issued by Respondent No.3, dated 21.08.2013 annexed at Annexure A/5, stating that the Directorate had not issued any sanction to do so. It was only conveyed by the Directorate that no sanction was required for such action. There has been no amendment in the seniority list following this letter (order) and the letter was issued "wrongly in confusion".

5. No rejoinder has been filed.

6. The matter was heard through video conferencing on 10.08.2021. The learned counsel for the applicant argued that all consequential benefits, following the order dated 21.08.2013 Annexure A/5) should follow, since the seniority of the applicant has been correctly restored to its rightful place by this order. This order is not a mere letter, as described by the respondents in their reply, but an order which cannot be brushed aside as issued "wrongly in confusion". The learned counsel for the respondents argued on the lines of their written reply.

7. It is clear that the whole case of the applicant rests on Annexure A/5, which is reproduced in full in para 2 above. That order, even if we do not agree with the claim of the respondents that it has been "issued wrongly in confusion",

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has certainly *caused* confusion and has undoubtedly raised hopes for the applicant. However, this order cannot be ascribed any more meanings than what it says. It cannot automatically lead to a claim for erasing and revising almost 2 decades of history, during which the applicant did not raise any claim for promotions to the higher posts, before any judicial fora. We agree with the arguments of the respondents stated in their reply that revising the seniority list has lots of ramifications and implications on others. Though the applicant claims that all others have retired and only he remains, we do not think, it can justify his claim for retrospective promotions and to get real or even deemed benefits (eventually from the public exchequer) for such long periods without actually working in the promotion posts. It is especially so, when he has not asked for these promotions before any forum. He is seeking those by way of "consequential benefits" only now on the basis of an order which does not, by itself, in our considered opinion, automatically lead to such consequential benefits. The claim of the applicant to get promotions from past dates, the first one of which is more than two decades before the filing of this OA, only on the basis of the order at Annexure A/5, is therefore, not found maintainable.

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8. For the reasons mentioned above, we cannot accept the prayers for reliefs made in this OA. The OA, is therefore, dismissed. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/