

NO
seniority

XXXXXXXXXX

DATE OF DECISION 20.1.1993

Shri H.B. Desai, **Petitioner**

Mr. M.S. Trivedi, Advocate for the Petitioner(x)

Versus

Union of India & Ors. Respondents

____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? >
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? >

Shri H.B. Desai,
News/Film Librarian,
Doordarshan Kendra,
Ahmedabad.

.... Applicant.

(Advocate: Mr. M.S. Trivedi)

Versus.

1. Union of India (through
Directorate General
Doordarshan, Doordarshan Bhavan,
Mandi House, New Delhi).

2. The Director,
Doordarshan Kendra,
Ahmedabad.

..... Respondents.

ORAL ORDER

O.A.No. 34 OF 1993

Date: 20.1.1993.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

Heard Mr. M.S. Trivedi for the applicant. The applicant has approached the Tribunal with two prayers B & C in para 7 which are as follows:

"(B) that the Hon'ble Tribunal be pleased declare that the applicant is entitled/eligible to be consider for Government servant.

(C) that the Hon'ble Tribunal be pleased to direct the respondent/authority place the name of the applicant in the respective seniority list."

2. In regard to the first prayer it is stated that the applicant joined the respondents organisation on the basis of the Annexure A-1 memorandum which is in the nature of ^{the} ~~the~~ contract of three years from 11th September, 1981. The respondents issued an office note on 22nd July, 1992, (Ann.A-3) informing all staff artists like the applicant to exercise an option

whether they would like to become a Government Servant or they would not like to become a Government Servant. This option was to be exercised before 6th August, 1982. Admittedly, the applicant did not exercise the option in time. Subsequently, on 7th October, 1989 the applicant sent a letter to the second respondent (Ann. A-4) enclosing the option called for by the Annexure A-3 office memorandum. No reply has been received to this letter inspite of a further reminder on 20th June, 1991.

3. It is in this contest that the applicant has prayed for the first relief sought by him.

4. When it was pointed out to the learned counsel that as the grievance is that the letter dated 7th October, 1989 had not been answered, this application appears to be time barred, the learned counsel did not press for this relief and sought permission to withdraw the application in so far this relief is concerned. That prayer is granted.

5. The other prayer is that respondents be directed "to place the name of the applicant in the respective seniority list". A seniority list of Librarian Junior grade as on 1.1.91 was published on 24th July, 1991 (Ann. A-6). The applicant represented on 29th July, 1991 (Ann. A-7) stating that his name was not included in that seniority list, though he had joined the Doordarshan on 1.11.81 as News/Film Librarian.

He prayed that his name should be included in the seniority list of Librarian junior grade.

6. This stand^s disposed of ~~in~~ by Annexure A-8 memorandum dated 18/20th March, 1992 enclosing therewith the reply dated 5.3.1992 (Ann.A-9). Annexure A-9 reply reads as follows:

"2. The Librarian (Junior Grade) and Film Librarians are recruited on the basis of different sets of Recruitment Rules. Moreover Film Librarians are not eligible for promotion to the post of Transmission Executive, along-with Librarian (Senior Grade or Junior Grade) as per notified Recruitment Rules for the posts of Transmission Executives. As such Sh.H.B. Desai, New Film Librarian, Doordarshan Kendra Ahmedabad can not be included in the seniority list of Librarian (Junior Grade)."

7. It is thus clear that the category of Librarian Junior Grade is totally ^uentirely different from News Film Librarian, because the recruitment is made under different rules. It is, therefore, obvious that the applicant's name cannot find a place in the seniority list of Librarian Junior Grade. This seems to be a reasonable answer to the applicant's representation.


8. The learned counsel for the applicant stated that ~~th~~ his name is not included in any seniority list. That is an entirely different matter. He could have requested the respondents to publish the seniority list of News Film Librarian wherein alone his name could have been included.

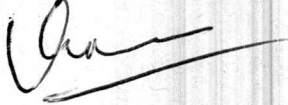
9. The learned counsel for the applicant drew

our attention of the Annexure A-10 letter and submitted that this was a request to the respondents to include his name in the appropriate seniority list of News Film Librarian. We have carefully perused Annexure A-10. We do not find that any such request has been made.

10. Therefore, we do not find any merit in the prayer in para 7(C) of the application and it is dismissed.

11. In the result, the application is disposed of at the admission stage by permitting the applicant to withdraw the application in so far as it concerns the prayer at para 7-B of the application and dismissing it in respect of other prayers, with liberty to the applicant to make a representation to the respondents for publication of seniority list of News Film Librarian or seek information about the seniority list in which his name is included.


(R.C.Bhatt)
Member(J)


(N.V.Krishnan)
Vice Chairman

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. OA/34/93 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 16/3/93

Counter-signed :

Abha
Section Officer/Court Officer

K. C. G. an
Sign. of the Dealing Assistant

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Shari. H. B. Desai.

VERSUS

U. O. J. & also

PART A B & C

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