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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.160 of 1988.

Date of decision: February 8, 1989.

Ch. Chalapati Rao, son of Satyanarayan Murty,  
Transmission Executive, All India Radio,  
At/P.O. Jeypore, Dist. Koraput. ...

Applicant.

Versus

Union of India, through Director General,  
All India Radio, New Delhi. ...

Respondent.

For the applicant

... M/s. S. Misra-2,  
A. K. Misra,  
S. Mantry,  
R. C. Rath, Advocates.

For the respondent ...

Mr. A. B. Mishra,  
Senior Standing Counsel (Central)

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C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)  
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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
  2. To be referred to the Reporters or not ? No
  3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays that consequent to the memorandum contained in Annexure-6 the applicant is entitled to be shown at sl.No.153 of the eligibility list and accordingly he should have been promoted to the post of Programme Executive on and from 28.8.1987 along with 117 Transmission Executives.

2. Shortly stated, the case of the applicant is that he was originally appointed as Grade II Assistant in All India Radio, Vijayawada on 25.4.1964. In course of time the applicant was appointed as Transmission Executive in the All India Radio, Jeypore. By notification dated 6.3.1963 the Hon'ble President of India in exercise of powers under Article 309 of the Constitution of India framed a set of Rules called as All India Radio (Class II posts) Recruitment Rules, 1962 contained in Annexure-1 and as a result of the publication of the said Rules, the competent authority prepared a wrong and arbitrary seniority cum suitability list of Transmission Executives placing the applicant illegally against Serial No.440 which was much below his juniors. So, this aspect was challenged before the Hon'ble High Court of Orissa in O.J.C.No.2316 of 1983 which came on transfer to this Tribunal and renumbered as T.A.346 of 1986. When the matter was thus pending, the list contained in Annexure-10 of T.A.346 of 1986 was also challenged before the Jabalpur Bench, Central Administrative

Tribunal forming subject matter of T.A.104 of 1986 and by its judgment dated 5.3.1987 the Jabalpur Bench laid down guidelines for preparation of a fresh list of eligible Transmission Executives as on 1.1.1982 for promotion to the post of Programme Executives and then the matter should be placed before a special D.P.C. for approval. According to the applicant, though the respondent prepared a fresh revised list of eligible candidates as on 1.1.1982 without fully implementing the directions of the Jabalpur Bench, consequent to which the applicant's name was completely omitted from the said revised list containing the names of only 143 candidates as contained in Annexure-2. By such revised list the case of the applicant has been made out of consideration though the name of the applicant should have found place in the list and his case should have been considered for promotion. Incidentally, it should be stated that in T.A.346 of 1986 we followed the view taken by the Jabalpur Bench and accordingly gave directions. In the present application, the applicant prays that his case should have been considered for promotion to the post of Programme Executive.

3. The facts stated in the counter need not be stated because of the changed circumstances appearing in this case which we shall state hereunder.

4. Learned Senior Standing Counsel (Central), Mr. A.B. Mishra submitted before us a copy of letter No. CTC/TC-346/8 dated 21.1.1989 addressed to him by the Station Director, All India Radio, Cuttack on the subject " Tribunal Case No.

T.A.346/86 filed by Shri Chalapati Rao (meaning the petitioner) Transmission Executive for promotion to the post of Programme Executive". Therein the Station Director has stated as follows;

" Director General, All India Radio, New Delhi have informed to this station vide their letter No.5/77/74-SI/SVII/794 dated 3.12.1988 that Shri Chalapati Rao has been promoted to the post of Programme Executive vide order No.137/88-SI(B), letter No.4/245/99-SI(B) dated 28.11.1988 and inter se seniority of Shri Rao along with those who got promotion vide order dated 28.8.1987 have also been modified. "

In view of such a situation and changed circumstances we feel that there is nothing further for the applicant to ventilate his grievance. The only question over which the applicant may in future have a grievance, if any, regarding re-fixation of seniority of different programme Executives. So far as the prayer in the present case is concerned, it has become infructuous. If the applicant feels aggrieved in future, regarding the re-fixation of seniority we give liberty to the applicant to approach this Bench.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

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Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
February 8, 1989/Saranghi.

