

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK.

Original Application No.454 of 1990.

Date of decision : November 5, 1992.

Jayanti Mohapatra ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. A.S. Naidu,  
P. Mohanty,  
A.K. Rath, P.K. Mohapatra,  
D. Ray, Advocates.

For the respondents ...

Mr. Ashok Mohanty,  
Advocate.

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. K. J. RAMAN, MEMBER (ADMN.)

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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 ? *ND*
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, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction that the result of the voice test in respect of the applicant conducted by the All India Radio on 28.11.1990 is not in accordance with the directions contained in letter dated 8.11.1990 issued by the Station Director, All India Radio which should be quashed and to direct the authority to conduct interview afresh in accordance with the stipulations as well as guidelines provided by the Director General, All India Radio in the said letter and further direction be issued that the applicant being an approved voice of the All India Radio having successfully passed in the audition test conducted by the Local Audition Committee should not be eliminated in the voice test.

2. Shortly stated, the case of the applicant is that she was an approved casual voice for drama and dubbing etc. working in the All India Radio for a very long time. A post of Announcer Grade IV (Artist) Oriya was created for All India Radio, Baripada. The applicant turned out successful in the written examination. On 28.10.1990 a voice test was held. Unfortunately, the applicant could not be successful and hence the appointment order has not been issued for which, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that since the applicant could not turn out successful in the voice test, the concerned authority had no other option  
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but to eliminate the applicant from the list of successful candidates and consequently order of appointment could not be issued. No illegality having been committed, the prayer of the applicant in this application is devoid of merit and is liable to be dismissed.

4. We have heard Mr. Naidu, learned counsel for the applicant and Mr. Ashok Mohanty, learned counsel for the respondent.

5. We have given our anxious consideration to the arguments advanced at the Bar. Since the applicant has not turned out successful in the voice test which has been conducted by an expert body we do not find any justifiable reason to sit over the judgment of the expert body. In these circumstances we do not feel inclined to allow the prayer of the applicant as mentioned above.

6. The alternative grievance of the applicant before us as put forward by Mr. Naidu is that even though the applicant could not be successful in the voice test and even if this Bench holds that no relief could be granted to the applicant on the prayer made in the application yet necessary relief should be granted to the applicant in regard to her engagement which was being given to the applicant previous to 28.10.1990. Of course Mr. Mohanty is justified in his submission that these matters should be left to the discretion of the Station Director, All India Radio. True it is so but we are sure the Station Direction will take a sympathetic view in this matter. In the counter there is no indication of any adverse report against the applicant in regard to her performance for the engagement which had been given to her prior to 28.10.1990. On the

contrary in the counter it is stated that the standard for

the post for which she had made <sup>an</sup> application for regular appointment is different from the standard prescribed for the work which was being entrusted to her previous to 28.10.1990. Such being the situation we find no justifiable reason to deprive the applicant of the engagement which was being given to her prior to 28.10.1990. We are of the firm view that her service and her talents should be made use <sup>of</sup> in regard to the nature of engagements that were being given prior to 28.10.1990 and we hope the Station Director will take very sympathetic view and continue to give such benefit till regular appointment is made in her favour.

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

*[Signature]*  
 .....  
 MEMBER (ADMN.)

*[Signature]*  
 5/11/92  
 .....  
 VICE-CHAIRMAN

Central Administrative Tribunal  
 Cuttack Bench, Cuttack,  
 November 5, 1992/Saranghi.

