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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 365 of 1994

Cuttack this the 6th day of December, 1995.

Laxminarayan Dash	Applicant
Vrs.			
Union of India & Others	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*

Armenia
(P. V. VENKATKRISHNAN)
MEMBER (ADMINISTRATIVE)

D.P. Hiremath
(D.P. HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
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CORAM:

THE HONOURABLE MR. JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND
THE HONOURABLE MR. P.V.VENKATKRISHNAN, MEMBER (ADMN.)

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LAXMINARAYAN DASH,
aged about 25 years,
son of Shri Sashibhusan Das,
At/Po-Bolangir, Dist. Bolangir. ... Applicant

By the Applicant :- M/s. Deepak Mishra, R.N. Naik,
A. Deo, B.S. Tripathy,
P. Panda, Advocates.

-versus-

1. Union of India, represented by its
Secretary, Department of Information
and Broadcasting, New Delhi.

2. Director General, Doordarshan,
Mandi House, Copper Nicus Marg,
New Delhi.

3. Station Engineer,
Doordarshan Kendra,
At/Po/Dist-Sambalpur. ... Respondents

By the Respondents :- Mr. Ashok Mishra, Senior Standing
Counsel (Central).

O R D E R

MR. D.P. HIREMATH, VICE-CHAIRMAN: Heard Shri B.S. Tripathy learned
counsel for the Applicant and Shri Ashok Mishra, learned
Senior Standing Counsel (Central) for the Respondents.
The petitioner's name was sponsored by the Employment
Exchange for the post of Technician in Doordarshan in
pursuance of the requirement of the Respondents to send
the Respondents to

names of eligible persons on 7.12.1991. It appears that after the minimum formality of selection was over, the petitioner was intimated by the letter of the Station Engineer dated 18th/19th of September, 1992 that he had been selected for the Post of Technician by the Selection Committee which was held at the Doordarshan Kendra, Sambalpur in the Month of March, 1992. He was thereafter directed to furnish certain certificates and fill-up certain attestation form. He did it promptly and the documents contained in the Annexure-3 were appended with his letter dated 9.4.1993. After having fulfilled these pre-requisite conditions, the Petitioner was waiting for his appointment order. Through out till that stage, he was under the impression that he had fulfilled all the requisite conditions. But the letter of 22/09/1993 (Annexure-RIV) frustrated his hopes inasmuch as the Deputy Director of Administration has issued an Office Memorandum stating that in the absence of experience certificate, the petitioner does not fulfil the eligibility conditions as per Recruitment Rules for appointment to the Post of Technician. Besides, Directorate's clearance for relationship angle cannot be acceded to in the case. We are not able to make out why this sentence is ^{qualified} clarified with the words ' in the case '.

2. In the counter affidavit that is filed by the Respondents, it is urged that because the petitioner's father ^{is} has already employed in the All India Radio, he could not be appointed. The counter is mainly confined ^{to} with this contention.

3. As far as the first point of objection of the Respondents is concerned, the petitioner has made available to us in his argument the copies of the certificates that he has submitted to the Respondents and one of them is clearly of a I.T.I. of Ambaguda. He has also enclosed an experience certificate which perhaps missed notice of the Deputy Director (Admn.) when he has sent this Memorandum aforesaid. It is also pertinent to note that the Selection Committee could not be said to have been selected to the petitioner inspite of the lacuna that was so glaring in the application regarding ^{qualification} and ~~in the clarification~~ of the petitioner. In our view, therefore, the objection raised in Annexure R/IV cannot sustain as we are satisfied that the petitioner had the requisite qualification and had also furnished the necessary certificates.

4. As regards the second objection raised, even though the letter of the Deputy Director of Administration dated 10.8.1992 as per Annexure-R/II, states that clearance

of relationship angle for recruitment to Group 'C' posts in Doordarshan Kendras are required, he does not quote any rule or executive order to this effect. The Director General, All India Radio vide Memo No. 11/38/83-SII dated 31.10.1984 made the position ample clear and the same reads as follows:-

"7. RECRUITMENT OF RELATIVES OF AIR EMPLOYEES- PERMISSION BEFORE APPOINTMENT NOT NECESSARY.

It has been decided in consultation with the Minister of I & B that, in future, if a candidate, who is related to an employee of AIR of Min. of I & B is selected for appointment to a Group 'C' & 'D' or Staff Artist Post in the subordinate offices of AIR by a duly constituted departmental Selection Committee, it will no longer be necessary to seek the prior approval of the Min. of I & B before making the appointment. Such cases will henceforth not therefore be referred to the Directorate and decided by the Heads of Stations/Offices of All India Radio at their level".

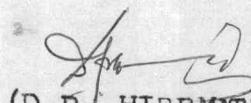
This obviously shows that when the Office Memorandum dated 10.8.1992, as per Annexure - R/II was issued, perhaps the Deputy Director of Administration missed ~~before him~~ ^{notice of} this particular Government order extracted above. It appears that prior to this executive order, there was, perhaps, an embargo on recruitment of relatives of an employee in the All India Radio or Door Darshan as the case may be against the Group 'C' or 'D' posts in either

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of the organisation. Perhaps that embargo appears to have been removed by this Office Memorandum dated 31.10. 1984 extracted above. That being so, even the letter in Annexure R/IV dated 22/09/1993 which also is in the same line, cannot take away the right of the petitioner for appointment to the post in question when he is found suitable for the same.

5. That being so, the petitioner is entitled to succeed and a direction is made that he shall be appointed in the existing vacancy ^{of} _{any} Group 'C' post within 60 (sixty) days from the date of receipt of a copy of the order. No order as to costs.


P.V. Venkatakrishnan
(P.V. VENKATKRISHNAN)
MEMBER (ADMINISTRATIVE)


(D.P. HIREMATH)
VICE-CHAIRMAN

KN Mohanty.