

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 68 OF 1999.

Cuttack, this the 28th day of October, 1999.

ABHAYA KUMAR DASH.

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APPLICANT.

VERSUS

UNION OF INDIA & OTHERS.

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RESPONDENTS.

FOR INSTRUCTIONS

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

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*28/10/99*

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CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 68 OF 1999.

Cuttack, this the 28th day of October, 1999.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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SHRI ABHAYA KUMAR DASH,  
aged about 38 years,  
S/o. Haribandhu Dash,  
a permanent resident of village  
and Post. Panchagaon, Dist. Cuttack,  
at present working as TRANSMISSION  
EXECUTIVE, Commercial Broadcasting  
Service, All India Radio, Cuttack.

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APPLICANT.

By legal practitioner : M/s. A.K. MISHRA,  
B. B. Acharya,  
J. Sengupta,  
P. R. J. Dash,  
C. Mohanty,  
Advocates.

-VERSUS-

1. Union of India represented through  
its Director General, All India Radio,  
Akashvani Bhawan, New Delhi-1.
2. Station director, All India Radio,  
Cuttack.
3. Station director,  
Commercial Broadcasting Service,  
All India Radio, Cuttack.

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RESPONDENTS.

By legal practitioner : Mr. S. B. Jena, Additional Standing  
Counsel (Central).

....

S. Som

O R D E R

( ORAL )

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to the Departmental Authorities to include the name of the applicant in the eligibility list dated 13-12-1998, at Annexure-6. There is also a prayer for a direction to the Departmental Authorities to treat that the applicant is entitled to be considered for the post of Programme Executive as per the Recruitment Rules.

2. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. It is only necessary to note that through an examination conducted by the Staff Selection Commission, the applicant was selected and joined as Transmission Executive at Bhopal with the clear understanding in the offer of appointment that he is liable to be transferred and posted in any where in India. Accepting that condition, the applicant joined at Bhopal. While the applicant was continuing at Bhopal, he submitted a representation to the authorities to come over to AIR, Cuttack and subsequent to Jeypore. He joined at Bhopal in 1988 and sometime in 1990 he came and joined at AIR, Jeypore. In the list of Transmission Executives, eligible to be promoted to the next post of programme Executive, which was issued on 2.2.1998 and which is at Annexure-4, applicant's name was included against sl.No.160 but subsequently

*S. Som.*

-3-

in the eligibility list issued thereafter, his name was dropped. Because of this, applicant has come up in this Original Application with the prayers referred to earlier.

3. Respondents in their counter have stated that the cadre of Transmission executive is zone based and normally transmission executives are not liable to be transferred from one zone to another and they can only be transferred after losing their seniority and becoming the junior most transmission executives in the zone to which they are transferred under special consideration. Respondents have further stated that because of this provision service rendered by the applicant at Bhopal was not taken into consideration but subsequently, instructions have been changed and according to the revised instructions issued in order dated 9.6.1999, applicant's previous service at Bhopal will be taken into consideration. Respondents have indicated in para-2, page-3 of the counter that they undertake to review the case of the applicant for the purpose of considering his eligibility for promotion to the post of Programme Executive. In view of this, it is clear that the prayer of applicant has been substantially met by the Respondents by change of Departmental instructions with regard to counting of service of a transmission executive who is transferred on his own request from one zone to another.

4. We have heard Mr. Aswini Kumar Mishra, learned Counsel for the Applicant and Mr. S.B. Jena, learned Additional

Standing Counsel (Central) appearing for the Respondents and have also perused the records.

5. In view of the pleadings of the parties, this Original Application is disposed of with a direction to the Departmental Authorities that in terms of the averments made by them in para-2, page-3 of the counter filed by Respondents, the case of applicant should be considered for the purpose of eligibility for promotion to the post of Programme Executive within a period of 90 (ninety) days from the date of receipt of a copy of this order and his name should be accordingly indicated in the eligibility list at the appropriate place according to his date of joining in the grade.

6. In the result, the Original Application is disposed of in terms of the observations and directions made above. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.