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IN THE CENTRAL ADMINISTRATIVE TRIBUANL
CUTTACK BENCH: CUTTACK.

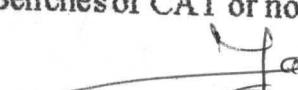
O.A.No. 75 of 2007
Cuttack, this the 11th day of March, 2008.

Ms. Jhunurani Behera Applicant
Versus
Union of India & Ors. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of CAT or not? No


(C.R.MOHAPATRA)
MEMBER(ADMN.)


(M.R.MOHANTY)
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 75 of 2007
Cuttack, this the 11th day of March, 2008.

CORAM:

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN
AND
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER(ADMN.)

Ms.Jhunurani Behera Applicant
Versus
Union of India & Ors. Respondents

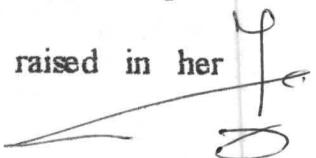
(Particulars are attached in separate sheet)

For Applicant :Mr.Dillip Kumar Mohanty, Counsel
For Respondents :Mr.S.Barik, ASC.

ORDER

PER-MR.M.R.MOHANTY, VICE-CHAIRMAN:

The issue involved in this case falls in a short compass and can be stated that the Applicant belongs to scheduled caste community. In an open process of selection conducted by the Doordarshan authority for the post of Technician she was empanelled at serial no .17 under annexure A/2. She having not been issued with offer of appointment in spite of representation approached this Tribunal in O.A.No.835 of 2006. The aforesaid O.A. was disposed of on 6.12.2006 calling upon the respondents to give consideration to the grievances of the applicant as raised in her



representation and in the aforesaid O.A. within specified period granted by this Tribunal As it appears the respondents rejected the grievance of the applicant and communicated the order under Annexure-A/8 dated 12/15.1.2007; which is the subject matter in the present Original Application filed under section 19 of the A.T.Act,1985 on the ground that the respondents failed to give due consideration so far as the fact of her status and non-observance of the principle of reservation ,the vacancy positions shown in letter dated 22.12.2005under Annexure A/3 and the fact that the life of the panel has not ~~been~~ outlived its utility as held by this Tribunal in O.A. No.151 of 1997 disposed of on 10.2.2004 holding that the life of the panel is active until the next panel is drawn and in fact there is no new panel is drawn.

2. The respondents have filed their counter stating that Advertisement was made on 15.12.1993 for thee posts of Technician in LPTs attached under Door Darshan Kendra,Bhubaneswar for which interview was conducted on 25.2.1994and out of the merit list published initially six candidates were appointed; of which three candidates resigned due to personal grounds in the year 1996.Since by that time life of the panel for one year expired none was taken into employment . However as per order of this Tribunal two persons have subsequently been appointed. It has been stated that the vacancy shown under Annexure A/3 cannot be filled up out of

the panel; the Director, DDK, Bhubaneswar being not the recruiting authority of the vacancies lying in other Kendras in India. As regards question of reservation, the respondents have stated that they have followed the policy of post based roster in letter and spirit and there was no deviation from maintaining the policy of reservation. However it has been admitted by the respondents that there has been no fresh selection or new panel published for the post till date. In sum and substance their case is that as the applicant is at serial No.17 of the panel and the life of the panel had spent its force after one year this OA being devoid of any merit, is liable to be dismissed.

3. We have heard the arguments advanced by the parties based on their pleadings brought on record.

4. Annexure-A/3 goes to show that the vacancies do exist in several LPTs/HPTs. It has only been said in the counter that the Director, DDK, Bhubaneswar is not the appointing authority so far as other HPT/LPTs are concerned but certainly it cannot be said that Respondent No.2(Director General of Doordarshan) lacks power and jurisdiction to take steps to provide appointment. It is not in dispute that there are vacancies, for which the Director General of Doordarshan is the competent authority to appoint. It has been held by this Tribunal (in OA No. 151 of 1997 disposed of on 10.2.2004) that the life of the panel remains active until the next panel is drawn and in fact there is no new panel, as yet, drawn. Besides the above, no

clear position has been given in the counter with regard to the vacancies the position of reserved candidates. Deviation of the reservation principles is a clear offence. We are yet to take any firm decision on the same in absence of details of posts and person in position.

5. In view of the above, this Original Application is disposed of with the following directions:

- (a) Respondents to examine the matter as to whether adequate representation (so far SC/ST is concerned) has been given effect to and, if not, pass necessary orders dispensing justice to the Applicant; and
- (b) If, there has been adequacy of the reservation in the matter of appointment in the present post is concerned, then, we hope, they should generously consider the grievance of the Applicant; who is a poor Scheduled Caste Women for appointment as against one of the vacancies available/shown in Annexure-A/3; as it is not for the Courts/Tribunal to direct for filling up of the vacancies and the authorities are well competent to decide the same.


(C.R.MOHAPATRA)
MEMBER(ADMN.)


(M.R.MOHANTY)
VICE-CHAIRMAN