

OA No. 429 of 2009

Smt. Suniti Kumari Devi Applicant
Versus
UOI & Ors. Respondents

1. Order dated 4th September, 2009.

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

Having heard Mr. S.K.Ojha, Learned Counsel for the Applicant and Mr. U.B.Mohapatra, Learned Senior Standing Counsel for the Union of India appearing on notice to the Respondents and perused the materials placed on record.

It is the case of the Applicant that she is a direct Recruit Assistant Editor of the year 1982. The next promotion from the post of Assistant Editor is to the post of Programme Executive. As per the Rules, after completion of three year of continuous regular service in the grade of Assistant Editor i.e. in the year 1985, she was eligible to be promoted to the post of Programme Executive. Though similarly placed employees promoted to earlier, she was promoted to the post of Programme Executive only in the year 1994 on Ad-hoc basis and since then she has been continuing as Programme Executive being posted in the office of the Doordarshan, Bhubaneswar. As per the Rules under Annexure-A/1 her name was placed at Sl.No.7 in the All India eligibility list at Annexure-A/4 and accordingly she was hopeful to be regularized in the grade of PEX no sooner DPC is convened for taking up the cases of the PEXs continuing on adhoc basis. But to her utter surprise, the Respondents

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regularized the services of the PEXs who were continuing on
ad hoc basis including the service of the Respondent No.4 vide
order under Annexure-A/6 dated 10.12.2008 ignoring the case
of the Applicant. According to her though Respondent No.4's
initial appointment was prior to the appointment of the
Applicant, her name was placed below the name of the
Applicant in the eligibility list at Annexure-A/4 as her initial
appointment was to the grade of Production Assistant carrying
lesser pay than the post in which the Applicant was appointed.
Her further case is that the mistake was crept in because of the
seniority list under Annexure-A/5 drawn up according to the
date of appointment of the employees in various grades. She
claims that though she made representation which was
forwarded under Annexure-A/7 dated 2.3.2009 nothing has
been communicated to her. Therefore, being aggrieved by such
action, she has approached this Tribunal in the present OA
seeking direction to the Respondents that without prejudice to
her claim of regularization in the post of PEX either from the
date she became eligible to the post or from the date she was
promoted to the post of PEX on ad hoc, direction be issued to
promote her from the date Respondent No.4 was promoted to
the said post of PEX on regular basis. In course of hearing it
was stated by Learned Counsel for the Applicant that the
representation submitted by the Applicant might have gone
unnoticed ^{by} of the competent authority because had it been
drawn to the notice of the competent authority this being an
injustice caused in the decision making process of the matter,

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she could have ~~been~~ got the justice from the hands of her authority. Therefore, he has contended that instead of keeping this matter pending since the representation of the applicant is still pending this OA may be disposed of with direction to the Respondent No.1 to consider and dispose of the representation of the Applicant within a stipulated period to be fixed by this Tribunal. Learned Senior Standing Counsel agreed to this.

In the said premises, without expressing any opinion on the merit of the matter, **this OA is disposed of at this admission stage** by directing the Respondent No.1 to consider and dispose of the pending representation of the Applicant at Annexure-A/7 keeping in mind the Rule under Annexure-A/1 and the eligibility list prepared and published under Annexure-A/4 and communicate the result thereof to the Applicant within a period of 45 days from the date of receipt of this order. Send copies of this order along with OA to the Respondents.

Member (Admn.)