

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

1. Order dated 4<sup>th</sup> 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

4  
regularized the services of the PEXs who were continuing on adhoc 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 adhoc, 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 <sup>by</sup> 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,

5

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.)