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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.727 of 2013
Cuttack, this the 10th day of February, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

Dr. Sudha Mishra,
aged about 57 years,
W/o. Shri R.S. Misra,
Station Director,
All India Radio, Cuttack,
Plot No.212, Paika Nagar,
Bhubaneswar.

...Applicant
(Advocates: M/s. S.K. Mishra, D.N. Pattnaik, N.R. Mohanty)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan, A-Wing,
New Delhi -110001.
2. Director General,
All India Radio Akashvani Bhawan,
Parliament Street,
Sansad Marg, New Delhi-110001.
3. Prasar Bharati,
(Broadcasting Corporation of India)
Represented by the Chief Executive Officer,
P.T.I. Building,
Parliament Street,
New Delhi-110001.

...Respondents

(Advocate: Mr. U.B. Mohapatra)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.N. Pattnaik, Learned Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. SCGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.



2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“A) Retrospective Promotions to [1] Junior Administrative Grade since 01.01.2004, [2] Junior Administrative (Selection) Grade from 01.08.2008 and [3] Senior Administrative Grade with effect from 01.08.2010.

B) The consequential arrear salaries, as admissible on fixation of pay, in the pay bands of the corresponding grades (including the benefit of annual increments) and their grade pay, and all attached financial benefits.”

3. The brief facts of the case ^{are} is that on being recruited through the UPSC, the applicant was initially appointed in the year, 1982 as Programme Executive (Group-B post) in All India Radio. In terms of Rule 7(2)(b) of the Indian Broadcasting (Programme) Service Rules, 1990, the Applicant was appointed through promotion in the post of Programme Officer, in the Programme Management cadre of All India Radio, in the Junior Time Scale of the Indian Broadcasting (Programme) Service, with effect from 14.07.1993. The applicant was promoted to Senior Time Scale against permanent post in the cadre, on ad-hoc basis, from Junior Time Scale w.e.f. 31.12.1998. Vide order dated 17.03.2004 the DG, AIR, was pleased to promote the applicant along with others on regular basis from Junior Time Scale to Senior Time Scale w.e.f. 28.01.2004.

4. But Mr. Patnaik, Ld. Counsel for the applicant submitted that on account of continuity of service in the Senior Time Scale since 31.12.1998, the applicant is already entitled for promotion to Junior Administrative Grade w.e.f. 01.01.2004, then to the Junior Administrative (selection) Grade since 01.08.2008 and thereafter to the Senior Administrative Grade since 01.08.2010. Hence the applicant submitted representation dated 03.12.2012 for redressal of her grievances. But till date no action has been taken by the Respondents on her



representation. Hence the applicant has filed the present O.A. with the prayer as quoted above.

5. After hearing in extenso on the point of admission Mr. Patnaik, Ld. Counsel appearing for the applicant submitted that he wants leave of this Tribunal to withdraw this O.A. to make an exhaustive representation attaching thereon the copies of the Judgments of the Hon'ble Apex Court to the authorities i.e., Respondent Nos.1 & 2 within a period of 20 days from today. The prayer is allowed. If any such representation will be preferred by the applicant within 20 days from today, then the Respondent Nos.1 & 2 will consider and dispose the said representation with a reasoned and speaking order and communicate the result thereof to the applicant within a period of 60 days from the date such representation received by them. However, we make it clear that if within a period of 20 days no such representation is preferred by the applicant then this order will be of no effect on the part of the Respondents. The applicant is at liberty to annex the copies of the Judgments of the Hon'ble Apex Court in the representation.

6. With the above observation and direction this O.A. is disposed of being withdrawn. No costs.

7. Free copies of this order be made over to Mr. D.N. Patnaik, Learned Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. SCGSC appearing for the Respondents


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)