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J.Bihari & Ors-Vrs-UIOI&Ors.

ADMISSION Sl.No.7
MA No.899/13
OA No.853/13

Order dated -13th December, 2013.

CORAM
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)

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In this OA the prayer of the Applicants to quash the order under Annexure-A/7 & A/8 and direct the Respondents to allow them to continue as Casual announcers/comparers as before emanation of Annexure-A/8. Further they have prayed to quash the decision to hold Microphonic voice test in order to make performance review by the Respondent No.4 by concurrently hold the same as bad and illegal. Annexures-A/7 is a letter dated 01.05.2013 sent by the Programme Executive Head of Programme, All India, Radio, Bhawanipatna requiring the applicants to appear before the Screening Committee on 20.05.2013 at 9.00 a.m with further stipulation that failing to appear their names would be weeded out from the panel of the station. In pursuance of the said letter all the Applicants appeared before the Screening Committee after which, in letter dated 27.05.2013 (Annexure-A/8) it was intimated to the Applicants as under:

“In connection with the review of the performance of Casual Announcers/Compeers on 20th/21st May, 2013 we regret to inform you that it has not been found possible to retain you in the panel of Casual Announcers /Compeers of

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the station with effect from 01.06.2013. However, we are grateful to you for your interest in our programmes.”

2. By filing MA No.899 of 2013, the Applicants have prayed permission to prosecute this OA jointly.

3. Heard Mr.B.B.Mohanty, Learned Counsel for the Applicants and Mr.M.K.Das, Learned Additional CGSC appearing for the Respondents perused the records. Mr.Mohanty, Learned Counsel for the Applicants by reiterating the stand taken in the OA while praying for issuance of the notice to the Respondents to file reply on the merit of the OA has sincerely prayed for grant of the interim relief prayed for in this OA.

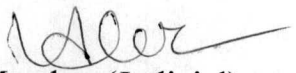
On the other hand, Mr.Das has strongly objected to the maintainability of this OA on the ground that after being unsuccessful in the test, name of the applicants were struck down from the list of casual announcer/comparers. If there was any irregularity the same being personal the applicants should have approached individually instead of jointly in one OA. Mr.Das, further contended that this Tribunal is bound by the provisions of the A.T. Act, 1985 and the Rules framed there under. Section 20 of the A.T. Act, 1985 creates a bar; especially in the cases such as the present OA is concerned, for this Tribunal to entertain this OA since the applicants have filed this OA without availing of the departmental remedies by way of making representation/appeal against the decision under Annxure-A/7 & A/8.

Alor

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4. On being confronted, Mr.Mohanty has fairly submitted that in view of the above, he may be permitted to withdraw this OA so as to file, at the first instance appeal/representation to the competent authority ventilating the grievance by each of the applicants (individually) and in the event the decision of the said competent authority goes against the interest of the applicant or failure to get any reply, the applicants may filed OA individually.

5. I find that no prejudice would be caused to any of the parties if, at this stage, the applicants are permitted to withdraw this OA. Hence without going to the merit of the matter, this OA is disposed of as withdrawn. Accordingly MA No.899 of 2013 stands disposed of. There shall be no order as to costs.


Member (Judicial)