

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.472/2013

Friday, this the 24th day of May, 2013

C O R A M :

HON'BLE MS.K.NOORJEHAN, ADMINISTRATIVE MEMBER

Suresh Kumar D
S/o.Shri.M.A Devadasan
Retired Deputy Director of Administration
Prasar Bharati (Broadcasting Corporation of India)
residing at SAI DHAM
Navrang Road,
Karaparamba
Kozhikode, Pin – 673 010

...Applicant

(By Advocates Mr.P Santhosh Kumar &
Mr.K.P Chandrasekhar)

V e r s u s

1. Union of India represented by the Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi – 110 001
2. Prasar Bharati (Broadcasting Corporation of India)
represented by its Chief Executive Officer
Prasar Bharati Board
PTI Building
Parliament Street, New Delhi – 110 001
3. The Director General
All India Radio
Akashvani Bhawan
Parliament Street, New Delhi – 110 001
4. The Union Public Service Commission
represented by its Secretary
UPSC, Dholpur House
Shahajahan Road
New Delhi – 110 069

...Respondents

(By .Advocates Mr.Sunil Jacob Jose, SCGSC for R1-3 and Mr.Thomas
Mathew Nellimoottil for R4)

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This application having been heard on 24.05.2013 this Tribunal on the same day delivered the following :-

ORDER

1. The applicant has filed this Original Application seeking a direction to the respondents to ante-date his promotion to the posts of Inspector of Accounts and Deputy Director of Administration against the vacancies which arose in the year 2003 and 2005 respectively.

2. The applicant avers that he was promoted to the post of Deputy Director of Administration in 2005 from the post of Senior Administrative Officer without being promoted to the post of Inspector of Accounts. According to the information he obtained through RTI Act, his name figured at serial No.10 in the panel for promotion to the post of Inspector of Accounts drawn up by the Departmental Promotion Committee which met on 13.12.2002. While Kumari D Uma at Serial No.9 was promoted on 29.05.2003, no such promotion order was issued to him. He came to know that the next vacancy arose on 01.10.2003 and he should have been promoted from that date. Similarly he was placed in the panel for promotion to the post of Deputy Director, Administration for the vacancy year 2005-06 by the DPC which met on 27.05.2008. He submitted Annexure A-10 and Annexure A-11 representations to R3 to grant him promotion with retrospective effect. It did not elicit any reply. The applicant contends that his case is squarely covered by the order dated 12.03.2011 in O.A 1376/09 by CAT Principal Bench and order dated 29.01.2013 in O.A 341/13 of Principal Bench. The counsel for the respondents submitted that he has no objection to the representations of the applicant being disposed



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of by R3 within the next three months. The counsel for the applicant points out that the applicant is similarly situated like the applicants in O.A.1376/09, and hence the benefit of notional promotion from the date of occurrence of clear vacancy should be granted to the applicant also.

3. In view of the foregoing, the respondents are directed to consider the representation of the applicant for promotion to the post of Inspector of Accounts and Deputy Director, Administration from the year the vacancy arose and if the applicant is included in the panel for promotion for the above mentioned posts by the DPC as claimed by him, he will be granted notional promotion to the concerned posts in accordance with the directions given by the Tribunal in O.A 1376/09. In case, he was not considered by the DPC due to his name not being included in the zone of consideration, the respondents will initiate action to hold review DPC, for both the posts, if his name was left out due to any administrative lapse and his juniors were recommended for promotion by DPC and were promoted. If he is found fit by promotion by review DPC, his case is to be treated as covered by the order of the Principal Bench and he shall be given the same benefits as were given to the applicants therein. In case, it is not so, the respondents shall intimate the applicant the reasons by way of a reasoned and speaking order within a time line of two months from the date of receipt of a copy of this order. No costs.

(Dated this the 24th day of May, 2013)


(K NOORJEHAN)
ADMINISTRATIVE MEMBER

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