

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.108/08

Wednesday this the 29th day of July 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

1. C.Sreekumar,
Programme Executive (i/c),
Prasar Bharti Marketing Division,
All India Radio, Thiruvananthapuram.
 2. K.G.Muraleedharan Pillai,
Programme Executive (i/c),
All India Radio, Thiruvananthapuram.
 3. T.Vahida,
Programme Executive (i/c),
All India Radio, Thiruvananthapuram.
 4. Sandhya Rani,
Programme Executive (i/c),
All India Radio, Thiruvananthapuram.
 5. Kusuma Priyadarshini,
Programme Executive (i/c),
All India Radio, Thiruvananthapuram.
 6. P.K.Janardhanan,
Transmission Executive,
All India Radio, Kannur – 670 004.
 7. T.K.Unnikrishnan,
Transmission Executive,
All India Radio, Kannur – 670 004.
 8. P.Udayabhanu,
Programme Executive (i/c),
All India Radio, Kannur – 670 004.
 9. P.A.Biju,
Programme Executive (in charge),
All India Radio, Kochi.
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10. K.P.Ravindran,
Programme Executive (in charge),
All India Radio, Thrissur.

11. Anitha Varna,
Programme Executive (i/c),
All India Radio, Thrissur.

...Applicants

(By Advocate Mr.P.R.Milton)

V e r s u s

1. Union of India represented by its Director General,
Prasar Bharati, Broadcasting Corporation of India,
All India Radio, Sansad Marg, New Delhi – 110 001.

2. Deputy Director General (A),
Prasar Bharati, Broadcasting Corporation of India,
All India Radio, Sansad Marg, New Delhi – 110 001.

3. The Station Director,
All India Radio, Thiruvananthapuram.

...Respondents

(By Advocate Mr.Sunil Jose,ACGSC)

This application having been heard on 29th July 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicants have initially been appointed as Transmission Executives/Librarians. Later, they were given ad hoc promotion to the post of Programme Executives in All India Radio and Doordarshan vide DG AIR's order No.17/2005 – SI (B) dated 25.2.2005. They were also being paid the salary of that post at that particular time. Thereafter, vide Annexure A-1 order dated 24.2.2006 all those Transmission Executives, Production Assistants and its equated categories who were promoted as Programme Executives were reverted to their respective substantive posts of Transmission Executive or Production Assistant etc. whichever the case



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may be, with effect from 24.2.2006. Against the aforesaid order many of the affected persons filed O.As in Principal Bench and other Benches of this Tribunal. In a common order passed in O.As 1605/06 and 711/06 on 27.11.2006 (Annexure A-4) the Principal Bench of this Tribunal has directed the respondents to restore the applicants on consideration as Programme Executives with all consequential benefits as per law within two months. Some of the affected persons in the Madras Region has filed O.A.455/06 before the Madras Bench of this Tribunal seeking direction to the respondents to fill up the vacancies of the Programme Executives on regular basis, if not, on ad hoc basis according to seniority. The said O.A was dismissed vide order dated 26.9.2007 (Annexure A-5) as the respondents themselves have restored the seniority of all the applicants therein. Further the Circuit Bench of this Tribunal at Ranchi in O.A 141/06 (Annexure A-6) directed the respondents to pay to the applicants as per the scale in higher post of Programme Executive from the date of their joining as Programme Executive after adjusting the amounts already paid to them for the lower post of Transmission Executive along with due and drawn statements. The Bangalore Bench of this Tribunal vide its order dated 7.11.2006 in O.A 144/06 has also passed a similar order.

2. The case of the applicants is that the 3rd respondent has passed the order dated 6.3.2006 pursuant to the aforesaid order dated 24.2.2006 reverting them to the post of Transmission Executives with effect from 24.2.2006 stating that they shall hold the current charge of the post of Programme Executive (ad hoc) without any financial benefits.



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Subsequently, the 1st respondent themselves has issued the Annexure A-8 order dated 13.6.2008 restoring the financial emoluments to the persons who were holding the current charge of the Programme Executives.

3. The respondents in their reply statement submitted that they have already circulated the latest draft eligibility list for promotion as Programme Executives, after rectifying almost all discrepancies with an optimistic hope that the Departmental Promotion Committee can be held to consider the promotion of all eligible candidates including applicants depending upon the availability of regular vacancies. They have also stated that the Programme Executives working on ad hoc basis were reverted on 25.2.2005 due to non receipt of the approval of extension of ad hoc period of Programme Executive from DoP&T. Subsequently, the promotions were made on the ad hoc basis for one year vide order dated 25.2.2005 on the basis of the draft eligibility list in the cadre of TREXs and allied cadre. Meanwhile, DoP&T granted the extension for the ad hoc period of the promotion in the grade of PEX for those who were working as PEX on ad hoc basis on 31.12.2004.

4. We have heard the learned counsel for the parties. It is seen from the earlier orders of the Principal Bench and other Benches of this Tribunal that the order dated 24.2.2006 has already been stayed. The respondents themselves vide Annexure A-8 order dated 13.6.2008 has restored the financial emoluments to all those PEX who were holding the current charge. The respondents are also taking earnest efforts to make regular



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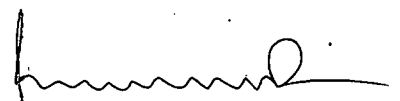
appointments by finalising the seniority list and convening the DPC for that purpose. In these facts and circumstances of the case, we direct the respondents (i) to fill up the vacancies of Programme Executives on regular basis strictly in accordance with the seniority list dated 26.5.2005 (ii) to allow the applicants who have been reverted to the respective substantive posts of Transmission Executive or Production Assistant etc. to continue to work as Programme Executives and grant them pay and allowances attached to the said post till the regular appointments are made, (iii) work out the arrears of pay and allowances payable to the applicants from the date of their reversion vide Annexure A-2 order dated 6.3.2006 and to pay the same to them within a period of two months from the date of receipt of a copy of this order and (iv) to pay the salary attached to the post of Programme Executive to the applicants herein from the month of August, 2009 onwards.

5. With the aforesaid directions, this O.A is allowed. There shall be no order as to costs.

(Dated this the 29th day of July 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER