

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.194/92

Friday this the 19th day of November, 1993.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. S.Chandran, Transmission Executive,
All India Radio, Thiruvananthapuram.
2. K.S.Umadevi, Transmission Executive,
All India Radio, Trichur.
3. D.Marykutty, Transmission Executive,
All India Radio, Commercial Broadcasting
Service, A.I.R., Thiruvananthapuram.
4. Meenakshi Genashan, Transmission Executive,
All India Radio, Thiruvananthapuram.Applicants

By Advocate Mr.N.Nandakumara Menon

vs.

1. Union of India, represented by the Secretary,
Ministry of Information & Broadcasting,
New Delhi.
2. The Director General, All India Radio,
Akasha Vani Bhavan, New Delhi.
3. The Station Director, All India Radio,
Thiruvananthapuram.
4. S.Gopalakrishnan, Transmission Executive,
All India Radio, Thiruvananthapuram. Respondents

By Advocate Mr.George Poonthottam, ACGSC

ORDER

CHETTUR SANKARAN NAIR(J),VICE CHAIRMAN:

Applicants who are Transmission Executives, seek promotion to the post of Programme Executives. They also seek to quash Annexures E,F and G, by which their request to reckon seniority from the date of their first appointment, was declined.

2. First applicant(S.Chandran) commenced service on 13.7.82, second applicant(K.S.Umadevi) on 1.8.83, third applicant (D.Marykutty) on 14.2.85 and fourth applicant (Meenakshi Genashan) on 18.3.85. From those dates, their

services should be counted for reckoning the eligibility period of eight years for promotion to the next category, submit applicants.

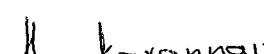
3. Respondents took the view in Annexures E,F & G that the services of applicants 1 to 4 could count for seniority and qualifying service of 8 years only from 1.1.85, 12.5.85, 1.3.87 and 8.9.87 in that order. Relying on the decisions in the Direct Recruit Class-II Engineering Officers' Association and others vs. State of Maharashtra & others(AIR 1990 SC 1607), Keshav Chandra Joshi & others vs. Union of India & others(AIR 1991 SC 284) and Union of India through Chandigarh Administration (UT), Chandigarh and another vs. S.K.Sharma, Professor of Civil Engineering, Punjab Engineering College, Chandigarh((1992)2 SCC 728), applicants submitted that their services are liable to be counted from the date of their first appointment.

4. During the course of arguments, learned counsel for applicant submitted that applicants may be permitted to raise their grievances before the first respondent for redressal. He also submitted that we need not pronounce on the merits at this stage. In the circumstance, we permit applicants to make detailed representations against Annexures E,F & G before the first respondent within one month from today. If they make such representations, those will be considered by the first respondent, Secretary to the Government of India in the Ministry of Information and Broadcasting, and appropriate orders made in accordance with rules governing seniority in the service to which petitioners belong, within four months from the date of receipt of the representation. We direct first respondent to adhere to the time schedule. With the aforesaid directions, the original application is disposed of.

5. Operation of Annexures E,F and G will be held in abeyance, and they will be subject to such orders as the first respondent may pass, in accordance with law. No costs.

Dated the 19th November, 1993.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN