

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE: 17.1.1990

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 256/89

P. Reghunathan

Applicant

Vs.

1. Director General,  
All India Radio, Parliament Street,  
New Delhi

2. Station Engineer,  
All India Radio, Calicut and

3. T. Gangadharan Nair,  
Studio Attendant,  
All India Radio, Calicut

Respondents

M/s. K. P. Dandapani &  
K. Jaju Babu

Counsel for  
the applicant

Mr. Thomas John, ACGSC

Counsel for  
R-1 & 2

O R D E R

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

The short point in this application filed by the applicant who is a member of the Scheduled Caste is that when the applicant had been promoted as Studio Guard on 30.10.1982 on an ad hoc basis, Respondent No. 3 who was promoted as Studio Guard although on a regular basis on 1.7.1985 along with the applicant should not have been allowed to supersede him for promotion to the post of Studio

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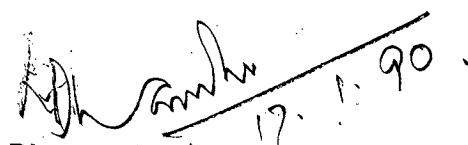
Attendant. The Respondent No. 3 was promoted as Studio Attendant on 30.3.1989. The applicant was promoted as Studio Attendant on 3.8.1989.

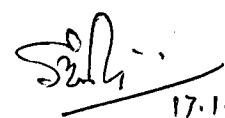
2. During the course of the argument, the learned counsel for the respondents indicated that respondent No. 3 has since retired on 30.9.1989 and accordingly he does not in any way stand in the way of further promotion of the applicant. The learned counsel for the applicant however urges that the applicant's further chances of promotion may not be jeopardised by his later appointment as Studio <sup>Attendant</sup> ~~Guard~~ in spite of the fact that he should have been appointed as a Studio ~~Guard~~ <sup>Attendant</sup> much earlier.

3. Considering the conspectus and facts and circumstances of the case, we feel that since the applicant was appointed as a Studio Guard although on ad hoc basis against reserved vacancy on 30.10.1982, for further promotion to the post of Studio Attendant which is on the basis of seniority, his claim should not have been overlooked while promoting Respondent No. 3 ~~on irregular~~ <sup>Attendant</sup> basis as Studio ~~Guard~~. We therefore close this application with the direction that the applicant should be deemed to have been notionally promoted as Studio Attendant w.e.f. 30.3.1989 when Respondent No. 3 was so promoted, without any arrears of pay and allowances.

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4. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

  
(S. P. Mukerji)  
Vice Chairman

kmm