

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 520/1999

THIS THE 21ST DAY OF FEBRUARY, 2002

CORAM

HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT. VICE CHAIRMAN
HON'BLE SHRI M.P. SINGH. MEMBER (A)

Mrs. Arminster Avdh Shdev
Resident of 601 A, Karan
Off Yari Road,
Versova, Andheri (W),
Mumbai.

...Applicant

By Advocate Shri Suresh G. Nair for Shri P.A.
Prabhakaran

Versus

1. Station Director,
Prasar Bharti Broadcasting
Corporation of India,
All India Radio,
101 M.K. Road, Mumabi.
 2. Director Genral Prasad Bharati
(Broadcasting Corporation of India)
Directorate Genral,
All India Radio,
Akashvani Bhavan,
Sansad Marg, New Delhi.
 3. Union of India through
Secretary, Ministry of Information
& Broad Casting,
New delhi.
- ... Respondents

By Advoate Shri S.S. Karkera for Shri P.M. Pradhan

O R D E R (ORAL)

Hon'ble Shri M.P. Singh Member (A)

In this OA the applicant has claimed the relief
for a direction to quash and set aside All India
eligibility officials including Assistant Editor
(Scripts) issued in 1994 and 1998 and direct the
respondents to prepare the eligibility list of Assistant

...2.

Editor (Script) after taking into account the fact that the applicant has been working in the grade continuously in the pay scale of Rs.1640-2900 with effect from 01.02.1977. She has also sought for a direction to the respondent to promote her to the next higher grade of Programme Executive on the same date on which Mrs. Sandhya M. Joshi was promoted with all consequential benefits.

2. The brief facts of the case are that the applicant was appointed as Assistant Editor (Executional Broadcast) at Jalandhar Station of All India Radio in the then existing pay scale of Rs.325-575 with effect from 27.11.1976. In the year 1986 the husband of the applicant was transferred to Mumbai. The applicant had also sought her transfer to Mumbai and the respondents transferred her from Jalandhar to Mumbai by order dated 03.5.1988.

3. The applicant vide representation dated 07.10.1989 had requested the respondents to place her in the combined eligibility list in terms of her actual date of joining the AIR. However, the respondents had rejected the representation of the applicant vide OM dated 02.3.1990. In 1994 respondent No.2 issued All India Eligibility list of various categories of officials including the applicant. In the seniority list, name of the applicant was placed on the basis of

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her transfer to Mumbai and the position of the applicant in the list was at serial No.392. In another combined seniority list finalised on 17.12.1998 the name of the applicant does not figure at all. The applicant had submitted several representations to the respondents requesting them for the restoration of her all India eligibility seniority from the date of her entry into service from 01.02.1977 as Assistant Editor. All her representations were rejected by the respondents (Exhibit-A collectively). Aggrieved by this, she has filed this OA claiming the aforesaid relief.

4. The respondents in their written statement have stated that they have now modified the principles of preparation of eligibility list in respect of Transmission Executive and allied categories for promotion to the grade of Programme Executive and that it has been decided that the qualifying service in the feeder grade for preparation of eligibility list shall reckon from the date of regular appointment in the grade. On the basis of the said principle, eligibility list of Transmission Executive, Field Reporter and Farm Radio Reporter has since been prepared and issued. Preparation of eligibility list requires a lot of spade work and consumes a lot of time. The eligibility list of Transmission Executive for the specialised category is being prepared and the information is being collected from nearly about 190 All India Radio Stations located

in various parts of the country. Therefore, it is not possible to prepare the draft seniority list until the information is received from all the AIR stations. However, once the information is received the draft seniority list would be prepared and circulated among all the concerned candidates before finalising the same. Hence, in view of the aforesaid submissions, the applicant is not entitled to any relief and the OA deserves to be dismissed.

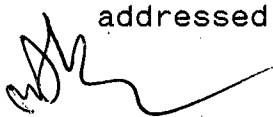
5. Heard the learned counsel for the rival contesting parties and perused the records.

6. During the course of the arguments, the learned counsel for the applicant has drawn our attention to the OM dated 09.6.1999 (page 50 of the OA) issued by respondent No.2, Director General. All India Radio, New Delhi. According to para 1 (a) of the said OM the officials in the scale of Rs.1400-2600 (Pre-revised) with eight years of regular service and the officials in the scale of Rs.1640-2900 with three years regular service in the grade would be eligible for including^{tion} in the list. For the purpose of determining qualifying service, the date of regular appointment in the grade is taken into consideration; (b) since the requirement to the grade of Transmission Executive is made zone wise and the seniority prepared zone wise on the basis of rank obtained by them, the zonal seniority list is not

...5.

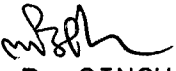
disturbed while preparing all India eligibility list on the basis of principles of (a) above. These instructions further state that qualifying service in the feeder grade for preparation of eligibility list shall reckon from the date of regular appointment in the grade. The zonal seniority list will henceforth be delinked with preparation of all India eligibility list. It is clarified further that the preparation and maintenance of zonal seniority list will henceforth be operative only for the purpose of transfer. The learned counsel for the applicant further submits that in view of the principle laid down in the OM dated 09.6.1999 for preparation of eligibility list in respect of Transmission Executive and allied categories for promotion to the post of programme executive, the applicant is entitled to be placed in the eligibility list with reference to her date of appointment in the grade i.e. from 01.02.1977.

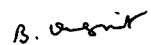
7. On perusal of the record placed before us, we find that on the basis of the principle laid down in the aforesaid letter of 09.6.1999 the applicant is entitled for placement in the combined eligibility list for promotion to the post of Programme Executive with reference to the date of her appointment in the grade. In fact the respondents have admitted this fact and respondent No.2 vide his letter dated 23.3.2000 addressed to respondent No. 1, Station Director, All



India Radio, Mumbai had stated that "the applicant's case is primarily against her placement in the eligibility list and this Directorate has already agreed in principle to prepare the eligibility list from the date of regular appointment in the grade." In view of this position, the relief claimed by the applicant is justified.

8. For the reasons recorded above, the OA is allowed and the respondents are directed to place the name of the applicant in the all India combined eligibility list for promotions to the grade of Programme Executive with reference to her regular appointment in the grade and also consider her for promotion to the next higher grade if she is otherwise eligible in accordance with rules, instructions and law, ~~and if~~ ⁸ she is found suitable she shall be promoted from the date ~~of~~ ¹ her immediate junior is promoted with all consequential benefits within a period of four months from the date of receipt of copy of this order. The OA is disposed of accordingly. No order as to costs.


(M.P. SINGH)
MEMBER (A)


(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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Order/Judgement despatched
to Applicant/Respondent (s)
on 5.3.2002.


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