

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1138/97, 1139/97, 1140/97 and 174/98

FRIDAY the 1st day of FEBRUARY 2002

CORAM: Hon'ble Shri B.N. Bahadur, Member(A)

Hon'ble Shri S.L.Jain, Member (J)

1. M.A. Khan
Residing at
Room No. 12, Siddique Chawl
Marol Naka, Kurla - Andheri Road,
J.B. Nagar Post, Mumbai.Applicant in
OA 1138/97
2. Mrs. Jyoti Jagdish Dhamapurkar
Residing at:
2/14, Sanju Co-Op. Society
Piramal Nagar, S.V. Road,
Goregaon (West), Mumbai.Applicant in
OA 1139/97
3. Mrs. Padma Venkatraman
Residing at :
A-21, 2nd Floor,
Ishwar Nagar Society
Bhandup, Mumbai.Applicant in
OA 1140/97
4. Navin Golatkar
Residing at
Block No. 43, 3rd Floor
Rameshwar Prasad Society
Opp. Bengal Chemicals
Prabhadevi, Mumbai.Applicant in
OA 174/98

By Advocate Shri S. Natarajan.

V/s

1. Union of India through
The Director General
All India Radio, Akashwani Bhavan,
Parliament Street, New Delhi.
2. The Director General
Doordarshan, Mandi House,
Copernicus Marg., New Delhi.
3. The Station Director
All India Radio
Broadcasting House
Backbay Reclamation, Mumbai.
4. The Director
Doordarshan Kendra
Worli, Mumbai.Respondents.

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

ORDER (ORAL)

Per Hon'ble Mr.B.N.Bahadur, Member (A) -

We have heard above four OAs together since the issue involved in these four cases are identical. We have heard Shri J.Natarajan, who is learned counsel for the applicants in all these four cases. We have also heard learned counsel Shri S.S.Karkera for Shri P.M.Pradhan, for the respondents.

2. The basic relief sought in these OAs is for a declaration that the applicant/s are entitled to be promoted as Transmission Executives at Mumbai. After going through the papers on record and the pleadings and arguments, of the learned counsel, it is seen that that the main issue to be decided is whether the applicants in these cases are entitled to be considered for promotion to the post of Transmission Executives in All India Radio/Doordarshan (AIR/DD). We have gone through the Recruitment Rules at some length with the assistance of both counsel. Despite attempts at clarification, we have some doubts in the matter vis-a-vis Recruitment Rules which are applicable both to AIR and DD. The stand taken by the respondents seems to be that the employees like those before us i.e. those who were working in DD are not eligible to the post of Transmission Executives in the AIR.

3. One fact that also comes in the way of getting a full and complete picture is that reply has been filed by an officer of the AIR, although Director General, Doordarshan has been made party but the full picture from the Doordarshan side does not seem to have come up before us. Nor has a consolidated stand emerged on behalf of "Union of India", which is a party, albeit through Director General of AIR. Director General, Doordarshan is also a party in these cases.

4. In view of the above position it would be most proper if an authority which controls the policy for both AIR and DD to consider these cases-which means it would be most appropriate and, in fact, essential if the Ministry of Information and Broadcasting which controls both organisation should indicate the stand of Union of India. The applicants have waited for a long period indeed and it is necessary in the interest of justice, that the issues be decided as early as possible.

5. In the circumstances it would be most proper course in the interest of justice to dispose of these OAs with a direction to the Union Government in the Ministry of Information and Broadcasting to consider the issue on merits and as per rules and give a decision. The decision be communicated to all the applicants. The learned counsel for the respondents also has no objection to this course of action.

6. Accordingly, these OAs bearing Nos.1138/97, 1139/97, 1140/97 and 174/98 are hereby disposed of with the following directions:-

The Union of India i.e. Ministry of Information and Broadcasting shall consider these OAs as representations and dispose of the same on merits as directed above. The copies of the OAs shall be forwarded to Secretary, Information and Broadcasting by the respective applicant/counsel within a period of three weeks from the date of receipt of copy of this order. The Ministry shall then consider the matter within two months from the date of receipt of the copies of these OAs.

OA 1138.97

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7. We must also indicate here that if the applicants are aggrieved by the decision of the Government they will be at liberty to approach the Tribunal through OAs. In fact, in our view, this would then be a fit case for providing early hearing also.
8. OAs 1138/97, 1139/97, 1140/97 and 174/98 stands disposed as above. No order as to costs.

(S.L.Jain)
Member(J)

(B.N.Bahadur)
Member(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. Nos. 2/2003, 3/2003, 4/2003 and 1/2003 IN
ORIGINAL APPLICATION NOS: 1138/97, 1139/97, 1140/97
and 174/98

TRIBUNAL'S ORDER

DATED: 28.4.2003

Shri V.S. Masurkar counsel for the applicant. Shri S.S. Karkera for Shri P.M. Pradhan counsel for the respondents.

Shri Karkera counsel for the respondents states that the orders passed in the OAs are implemented and the applicants are given promotions also. He makes available copies of the order passed by the respondents giving promotions to the applicants. Shri Masurkar counsel for the applicants however makes a grievance that even the directions were given by the Tribunal about a year back, the promotion orders issued are with effect from 9.4.2003 and the applicants are not given promotions from the earlier dates. It appears that the respondents have ^{had} ~~for~~ time to implement the order ^{and} the question of interpretation of the Rules ^{was involved} ~~in this regard~~. This however does not justify the department in issuing the orders after more than a year. It will not be proper on our part to give any direction to the respondents. It will be open to the applicants to move a representations concerning the dates of promotion etc. and we hope that if such representations are received the respondents will

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consider and decide the same in the light of the observations of the Tribunal in the OA as well as in the light of the extant rules and regulations. The C.P. stands disposed of. Notice on C.P. is discharged.

A. S. Sanghvi

(Shankar Prasad)
Member(A)

(A.S. Sanghvi)
Member(J)

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