

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 1064/92

Date of decision: 29.7.93

VED VYAS

: Applicant.

VERSUS

UNION OF INDIA

: Respondents.

Mr. M. Mridual)

: Counsel for the applicant.

Mr. P.S. Asopa)

None present on behalf of the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. P.P. Srivastava, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant has filed the petition stating therein that he has been working as News Reader-cum-Translator since 1971. Vide Communication dated 26.8.83, a Cadre of Artists was created in the All India Radio as well as Doordarshan vide Annexure A-1. Annexure A-1 provides that the Artists should exercise their options on fresh terms and conditions. It further provides in sub-para (iii) of Para 2 relating to Recruitment and Initial Screening that all the Staff Artists who come under the Artists' category as per para 1 above and who opt to come over to the new terms and conditions will be duly screened by a Screening Committee. Thereafter, it provides in para 3, sub-para (iii) that the existing Artists who opt to come over to the new terms for Artists and who are found fit after screening to be so brought over, will have their fees re-fixed in the appropriate corresponding fee scales. It further provides that the Selection Board may in deserving cases, on such a re-fixation, grant not exceeding three additional increments. As far as the applicant is concerned he has opted for the new terms for Artists as he was found fit after screening and his fee has been re-fixed in the appropriate corresponding fee scale. The only grievance of the applicant is that other persons have been given one grade increment whereas the one grade increment has been declined to him. He has named number of

persons who are juniors to him in the petition and have been granted grade increments. The respondents in their reply have stated in para 6(8) that the applicant's service record was not found upto-mark and hence he was not found suitable by the Screening Committee.

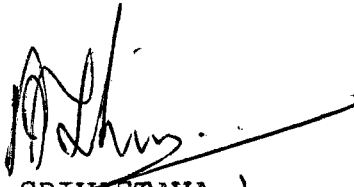
2. Again in para 6(14), the respondents have stated that the Screening Committee had fixed certain norms for granting advance increments and one of the norms was that one increment for service over 10 years and less than 15 years with overall 'very good record'. The applicant's case is that he is having overall very good record and no adverse entry has ever been communicated to him.

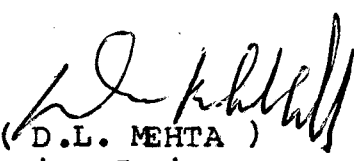
3. The Screening Committee can fix up a norm while deciding who is 'deserving' candidate for the grant of advance increment. However, the Screening Committee cannot act arbitrarily. They will have to prepare a statement with norms so fixed and they will have to give their assessment of each candidate to whom an advance increment is given as per norms. The respondents have not produced any statement showing their assessment before this Tribunal and only stated that his record was not upto the mark. Even this submission is not based on any foundation as no service record is produced before this Tribunal and there was no adverse entry and what is the comparative statement showing the merits and demerits of the persons to whom the advance increments have been granted and to whom declined is also not produced. In such circumstances, it will not be proper to maintain the order of the respondents refusing the applicant to grant the advance increment. However, the Tribunal would not like to exercise the power of review themselves and direct the respondents to prepare the comparative statement of merits and demerits of the employees to whom the advance increments have been granted and to whom the same have not been granted and to give a report about each candidate and thereafter they

should decide whether the case of the applicant is fit for the grant of advance increment like others or not.

4. In the result, the O.A. is accepted and the respondents are directed to prepare the comparative statement as referred to above and to evaluate and assess work of each candidate and to pass the speaking order while granting or refusing the advance increment. This exercise should be done within a period of 4 months from today and the respondents will communicate the result of the/fresh screening or evaluation or assessment of the applicant and thereafter, if the applicant feels aggrieved he will be at liberty to approach the Tribunal for getting the relief.

5. The O.A. is disposed of accordingly, with no order as to costs.

  
( P.P. SRIVASTAVA )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman