

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A. No.275/90 Date of order: 22-09-1993

Between

Sri S.S.Dhutre

.. Applicant

and

1. The Director,
Doordarshan Kendra,
Hyderabad-500 013.
2. The Director General,
Doordarshan, Copernicus Marg,
New Delhi-110 001.
3. The Director General,
All India Radio
New Delhi-110 001.
4. Union of India represented by
The Secretary,
Min. of Information & Broad-casting
New Delhi-110 001. .. Respondents

Counsel for the Applicant : Mr C.Suryanarayana

Counsel for the Respondents : Mr NR Devraj, Sr.CGSC

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDI..)

ORDER

As per Hon'ble Shri A.B. Gorthi, Member (Admn)

The applicant joined All India Radio on 21.9.1971 as Clerk Grade-II. In August, 1983, he was appointed as Hindi Translator at All India Radio, Dharwad. Thereafter, he was sent on deputation to Doordarshan Kendra, Gulburga, as Hindi Translator. While he was working as

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Hindi Translator, the Director General, Doordarshan, called for applications for the post of Hindi Officers at Doordarshan Kendras at Nagpur, Hyderabad and Madras. The applicant offered himself as a candidate, and, he was duly selected and posted as Hindi Officer, Doordarshan Kendra, Hyderabad vide OM dated 26.6.1985 issued by the Director General, Doordarshan. Eversince, he is continuing in that post. His grievance is, that his name does not figure in the seniority list of Hindi Translators published by Director General, All India Radio on 6.6.1989. According to the applicant, as he was appointed as Hindi Translator in August, 1983, his name should have been shown below that of Shri O. Vijayan and above Smt U. Gayathri Devi. The applicant further claims that, in view of the order promoting 22 of the employees as Hindi Officers vide Director General, All India Radio order dated 23.11.1989, the applicant also should have been shown as having been promoted as Hindi Officer in All India Radio. This is so because, five individuals shown as promoted in the said order dated 23.11.1989 are juniors to the applicant.

2. The respondents in their counter affidavit have stated that the applicant is on deputation with Doordarshan Kendra and, as the recruitment rules for the post of Hindi Officer in Doordarshan Kendras have not yet been finalised, the applicant is continuing as a deputationist only with Doordarshan Kendra. They have also stated that, there is no connection between the All India Radio and Doordarshan Kendra, in so far as the posts of Hindi Translators and Hindi Officers are concerned.

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3. We have heard learned counsels for both the parties. Mr C. Suryanarayana, contended that, the applicant, being a regular employee of the All India Radio, and, being only on deputation with Doordarshan Kendra, his seniority in his parent organisation, that is, All India Radio, has to be maintained in accordance with the rules. Mr NR Devraj, learned counsel for the respondents stated, that the applicant volunteered for his posting to Hyderabad, and, he is staying at Hyderabad on deputation at his own request. He also stated that the applicant is, as on today, continuing in his post in Doordarshan Kendra by virtue of an interim order passed by this Tribunal.

4. Notwithstanding the rival contentions, we find, that the question of seniority of the applicant has not been disputed by the respondents. It seems that his name in the seniority list of Hindi Translators (Annexure A-4 to the OA) was not shown because of the fact, that the applicant was on deputation at the relevant time with Doordarshan Kendra. This contention cannot be accepted; because, a perusal of the seniority list would indicate & include that even in the case of Shri O. Vijayan, his name was shown in the appropriate place, but, in the remarks column it is stated that he was on deputation to Doordarshan Kendra, Trivandrum w.e.f. 14.3.1988. We, therefore, do not see any impediment for the respondents to similarly show the name of the applicant also in the appropriate place in the seniority list with a remark against his name that he was on deputation at the relevant time with Doordarshan Kendra, Hyderabad.

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To

1. The Director, Doordarshan Kendra, Hyderabad-13.
2. The Director General, Doordarshan, Copernicus Marg, New Delhi-1.
3. The Director General, All India Radio, New Delhi-1.
4. The Secretary, Union of India, Min.of Information and Broad Casting, New Delhi-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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Sh. B. D. S. 5/83

To

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5th April 1983

(H.C.)

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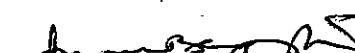
We therefore, direct the Director General, All India Radio to reflect the name of the applicant in the seniority list of Hindi Translators in the appropriate place keeping in view, the date, on which he was appointed as Hindi Translator.

5. As regards the applicant's plea for his promotion as Hindi Officer, in All India Radio, it is admittedly by selection. He has to be selected for the post of Hindi Officer and then only he can be promoted. However, in considering this aspect of the case, the Director General All India Radio, will bear in mind that the applicant was selected for appointment, though on deputation basis, as Hindi Officer in Doordarshan Kendra in 1985. Although his selection on deputation, does not, by itself grant him seniority with effect from that date, it is open to the Director General, All India Radio to consider the case of the applicant for his promotion as Hindi Officer with effect from the date, on which he would have been promoted, had he remained with All India Radio. The said promotion, would however only be, proforma and only for the purpose of maintaining his original seniority in All India Radio in accordance with the extant rules and instructions.

6. The application is disposed of with above observations and directions and in view of the same, the interim order passed on 29.3.1990 is hereby vacated.

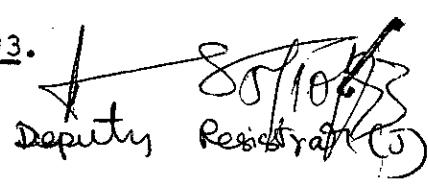
7. No costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn)

Dated: The 22nd September, 1993.

mvl


Deputy Registrar (C)
80/10/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM: M(A)

Dated: 22 9 -1993.

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

in
O.A. No. 275/90.

T.A. No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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