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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.NO.925/94

Date of Order: 25.6.97

BETWEEN :

B.G.S.Rao

.. Applicant.

AND

1. The Government of India,
Rep. by the Secretary to
the Govt. of India,
Ministry of Information and
Broadcasting, Govt. of India,
Shastry Bhavan,
New Delhi.

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

3. Station Director,
All India Radio, Hyderabad.

4. Shri Ch.Prasada Rao,
Programme Executive,
All India Radio,
Hyderabad.

5. Dr. T.N.Reddy,
Programme Executive,
All India Radio,
Cuddapah.

.. Respondents.

— — —
Counsel for the Applicant

.. Dr.C.S.Subba Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao for

Mr.N.V.Ramana

— — —
CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

— — —
J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Dr.C.S.Subba Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned standing counsel for the respondents. Notice has been served on Respondents 4 and 5 but they did not appear nor they engaged counsel on their behalf.

2. The applicant in this OA joined All India Radio in the year 1967 as Transmission Executive and was promoted as Programme Executive in the year 1976. He is working on adhoc basis in the Junior Time Scale of Indian Broadcasting (Programme) Service vide order No. 3/59/91/S-I(A), dt. 14.6.93 (A-1). The applicant was not selected for regular promotion to the post of Junior Time Scale of IBPS. 169 of Programme Executives were promoted to the Junior Time Scale of IBPS by the impugned order No. 32013/3/92-B (A), dt. 13.7.94. The applicant submits that though he is working ~~cadre~~ for regular promotion on adhoc basis in JTS/ he was by-passed/ignoring his seniority.

3. This OA is filed for setting aside the impugned order No. 32013/3/92-B (A), dt. 13.7.94 promoting 169 Programme Executives to the Junior Time Scale in IBPS ignoring the applicant as well as direction to the respondents to restore ~~his seniority of the applicant~~ on over and above Respondent No. 4.

4. The main contention of the applicant in this OA is that promotion to the JTS in IBPS is by non-selection on the basis of seniority-cum- suitability. The respondents ignoring the seniority of the applicant promoted his junior treating it as a selection post. Hence the prayer as above.

JK

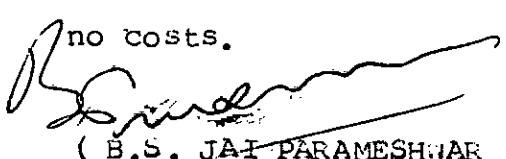
5. The point for consideration in this OA is whether regular the promotion to the JTS post of IBPS is to be done on the basis of seniority-cum-suitability or following the rules for selection from Group-B officers serving in the cadre of Programme Executives.

6. Ernakulam Bench of this Tribunal had held that the promotion to the JTS in IBPS cadre is by seniority-cum-suitability from the feeder cadre of Programme Executive. Whereas the Jaipur Bench of this Tribunal had held that JTS post is a selection post and therefore the mode of recruitment for promotion must be that of selection. As there ~~were~~ divergent views between Ernakulam Bench and Jaipur Bench the case was referred to the Full Bench in OA.960/94 on the file of the Madras Bench of the Tribunal. The Full Bench after hearing all concerned came to the conclusion by its order dt. 3.6.97 that "the recruitment by promotion from the grade of Programme Executives to the JTS in IBPS is by selection and not by seniority-cum-fitness".

7. In view of the above decision of the Full Bench we have no other alternate except to dismiss this OA.

8. The learned counsel for the applicant submitted that the effect of this judgement may ~~come into~~ ^{force} after 15 days as he will like to file a review petition against the Full Bench decision as well as appeal against this order in the appropriate judicial forum.

9. In view of the above submission the orders in this OA will take effect from 7.7.97. The OA is dismissed with no costs.

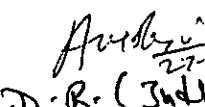

(B.S. JAI PARAMESHWAR)
Member (Judl.)
25/6/97


(R. RANGARAJAN)
Member (Admn.)

sd

Dated: 25th June, 1997

Dictated in Open Court)


D.R. (3rd)

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Copy to:-

1. The Secretary to the Govt. of India, Ministry of Information and Broadcasting, Govt. of India, Sastri Bhavan, New Delhi.
2. Director General, All India Radio, Parliament Street, New Delhi.
3. Station Director, All India Radio, Hyd.
4. One copy to Sri. C.S.Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

C.C. Today
27/6/97

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STT/PCT

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TYPED BY
CLERKED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRAVAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED:

25/6/97

ORDER/JUDGEMENT

M.A. / B.A. / C.A. NO.

O.A. NO.

in
925/ay

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

