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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.48/99

DATE OF ORDER : 9-3-2000

Between:-

1. Akashavani Announcers Association of Andhra Pradesh, Hyderabad rep.
By its Secretary Sri N.V.Kapardhi,
2. Syed Ilyas Ahmed

...Applicants

And

1. Director Generall, All India Radio, Parlialment Street, New Delhi.
2. Station Director, All India Radio, Akashvani Bhavan, Hyderabad.

...Respondents

— — —

COUNSEL FOR THE APPLICANT : Shri K.Sudhakar Reddy

COUNSEL FOR THE RESPONDENTS: Shri B.N.Sharma, Sr.CGSC

— — —

CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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..2.

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri B.N.Sharma, learned standing counsel for the Respondents.

2. This is a second round of litigation.

3. There are 2 applicants in this OA. Applicant No.1 is the Akashavani Announcers Association of Andhra Pradesh, Hyderabad. Applicant No.2 is an announcer and a member of the said association.

4. Earlier they had approached this Tribunal in OA 751/93 decided on 2.3.1994. In that OA protecting the interests of the applicants a direction was given in para-25. Para-25 has been re-produced by the applicants themselves in the OA. That direction was given pending finalization of the recruitment rules.

5. Thereafter they have also approached this Tribunal in CP 18/95 which was decided on 18.4.1996. In that CP the respondents categorically stated that the 40 posts directed to be kept unfilled in the OA have not been filled. On that assurance the CP was closed.

6. In the meanwhile the respondents issued the impugned order dt.24.12.1998 promoting certain officials to the post of Programme Executives on adhoc basis.

7. Being aggrieved, the applicants have filed this OA challenging the impugned order dated 24.12.1998 issued by Respondent No.1 and for a consequential direction to the respondents to consider their cases for promotion as Programme Executives.

8. Respondents have filed a reply. In their reply they have categorically stated that the 40 posts which arose in the year 1993-94 have not been filled yet. The interim order dated 7.1.1999 was passed which is as follows :-

However, it should be clearly understood by the Respondents that 40 posts have to be kept vacant. To this effect, earlier, this Tribunal gave directions in OA 751/93. But it would Prima-facie appear that the directions given in the said OA have not been scrupulously complied with. However, before expressing any final opinion on this aspect of the case, the interests of justice will be served, if the respondents, as directed above, shall keep forty posts vacant.

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As far as the impugned proceedings are concerned, no interim stay at this stage appears to be necessary. However, the respondents shall make it clear to those forty incumbents, if at all promotion is given as Programme Executives, that their promotions shall be subject to the final result of this OA. The above directions are given purely with a view to protecting the interests of the applicants at this interim stage and the same shall not be treated as causing any adverse effect on the earlier pronouncements made by this Tribunal on the same subject. The respondents shall explain why they have resorted to taking an action which is seemingly violative of the earlier orders given by the Tribunal.

9. The respondents have filed reply stating that the recruitment rules in existence do not include the post of Announcer as feeder cadre for promotion of programme executive. Further the impugned order dated 24.12.1998 has been issued in respect of the vacancies that arose subsequent to 1993-94. The 40 vacancies which arose during the year 1993-94 which were directed to be kept unfilled are still vacant. Further, they have explained the circumstances under which they could not finalize the recruitment Rules. This is due to the change of structure of All India Radio and Doordarshan as Prasara Bharati Corporation, which is an autonomous body and the draft recruitment rules of Prasara Bharati Corporation do not propose any provision for making announcers eligible for promotion to the grade of Programme Executive. It is further stated in the counter that the plea of the applicants that their cases were not considered is not correct.

10. Since the respondents have explained their difficulty in not finalizing the recruitment rules and also they have categorically stated that the 40 posts arose in the year 1993-94 ^{have} not been filled as per the earlier direction, no further directions are ^{necessary} required.

11. In that view of the matter, the OA is disposed of. NO order as to costs.


(B.S.JAI PARAMESHWAR)
9.3.00
MEMBER (J)


(R.RANGARAJAN)
MEMBER (A)

Dated: 9th March, 2000.

Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HDH/J
2. HRRN (ADMN) MEMBER. THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)
3. HBS/JP. M. (JUDL)
4. D.R. (ADMN)
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D. H. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 9/3/2000

~~MAJARAT/CP. NO~~

IN

C.A. NO. 48/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

(7 copies)

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक विधिक सभा
Central Administrative Tribunal
इष्टपत्र / DESPATCH

21 MAR 2000

హైదరాబాద్ వ్యాపారమిశ
HYDERABAD BENCH