

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.116/99

Date of order: 20/5/2002

N.V.Mathew, S/o Sh.N.C.Vargnese, R/o C-5, Akashvani Colony, Sector 5, Haeranmagri, Udaipur, working as Senior Engineering Assistant, All India Radio.

...Applicant.

Vs.

1. Union of India through Secretary, Mini.of Information & Broadcasting, Govt.of India, New Delhi.
2. Chief Executive Officer, Prasar Bharti Broadcasting Corp of India, Mandi House, New Delhi.
3. Director General, Akashvani Bhavan, Parliament Street, New Delhi.
4. Chief Engineer (North Zone) Prasar Bharti Broadcasting Corp of India, Akashvani & Doordarshan, Jamnagar House, Shajahan Road, New Delhi.

...Respondents.

Mr.C.B.Sharma : Counsel for applicant

Mr.Bhanwar Bagri : Counsel for respondents

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.H.O.Gupta, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

The relief sought by the applicant in this O.A is to direct the respondents to issue necessary directions regarding correction of draft eligibility list which was published vide letter dated 20.11.98 and till then no promotion on the post of Asstt.Engineer may be allowed and to direct the respondents to apply sub clause (b) of Clause (3) Appendix (I) of Schedule-2 of Rules of 1981 in drawing the eligibility list on the basis of date of regular appointment as Sr.Engineering Assistants.



2. The main grievance of the applicant in this O.A is that the department convened DPC without finalising the objection on draft eligibility list. The applicant joined as Sr.Engineering Assistant earlier than those mentioned in Annx.A3 but has been shown as junior. The said eligibility list has not been prepared as per Clause 3 of Appendix (I) of Schedule-2 as appended to the rules of 1981 and while preparing the draft eligibility list region-wise seniority of the applicant has been ignored. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. It is stated in the reply that the method adopted for preparation of eligibility list is strictly in conformity with rules and the action of the answering respondent is perfectly legal and valid. It is stated that due regard has been given to the zonal seniority in respect of Sr.Engineering Assistants at the time of including their names in the eligibility list and zonal seniority of Sr.Engineering Assistants is not disturbed. It is stated that representation dated 18.12.98 was not forwarded through proper channel hence not considered and representation at Annx.A4 has not been received in the office, as per record. It is stated that the action of the respondents is in no way arbitrary, illegal, discriminatory and in violation of Articles 14 & 16 of the Constitution of India. Thus, the applicant has no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. As per sub Clause 3 of Appendix-I of Schedule-II of the Rules, 1981, the procedure for preparation of eligibility for promotion against 25% quota is reproduced as under:



"(a) As on the date of commencement of these rules, the existing all India seniority list would form the basis in relation to officers included therein.

(b) In respect of those appointed to the grade of Sr.Engineering Assistant thereafter, the names of officers will be added on the basis of the dates of their regular appointment to the grade of Senior Engineering Assistant, subject to maintenance of their inter-se seniority in the respective regional cadres. In case of officers appointed in different regions on the same date the date of their regular appointment to the grade of Engineering Assistant shall determine their inter-se position."

6. In reply to the O.A, it has been mentioned that the method adopted for preparation of eligibility list is strictly in conformity with the above provisions of the Recruitment Rules, i.e. the eligibility list is prepared by interpolation of officers drawn from the respective zonal seniority list, i.e. an officer is drawn from each of the four zonal seniority lists, thus making it a grouping of four officers whose positions are arranged strictly as per their seniority. This methodology thus, transforms the zonal seniority of an officer into all India seniority. Therefore, the action of the answering respondents is perfectly legal, valid and in consonance with the service law.

7. On a perusal of this reply, it appears that this eligibility list for promotion has not been prepared in conformity with the recruitment rules, as mentioned above, thus requires to issue necessary direction to the respondents' department to prepare the eligibility list in conformity with the rules as above.



8. We, therefore, allow this O.A and direct the respondents to make necessary correction in the draft eligibility list for promotion against 25% quota to the post of Assistant Engineer, in conformity with Sub-clause (b) of Clause (3) Appendix-I Schedule-II of Rules of 1981, within a period of 3 months from the date of receipt of a copy of this order, after giving an opportunity of hearing to the applicant. No order as to costs.

  
(H.O.Gupta)

Member (A).

  
(S.K.Agarwal)

Member (J).