

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

9

(DESTRUCTION OF RECORD RULES, 1990)

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R.A./C.P.No. 2/07, 24/03
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21/2/17
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FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

Original APPLICATION NO. 254 OF 2001

APPLICANT (S) Monoranjan Das Goms

RESPONDENT (S) U.O.I Goms

ADVOCATE FOR APPLICANT(S) B.K. Sharma, S. Sarma, U.K. Nair, Miss U. Das

ADVOCATE FOR RESPONDENT(S) CGSC.

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form but not in the application Petition form filed vide V.F.N. No. C.F. for Rs. 50/- admitted vide IPO/BD No. 66792086.</p> <p>Dated..... 9.5.2001</p> <p><i>Steps to take</i></p> <p><i>13/7/2001</i></p> <p><i>14/8/01</i></p>	18.7.01	<p>Heard Mr. S. Sarma, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 16.8.2001.</p> <p><i>K.C. Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><i>13/7/2001</i></p>	16.8.01	<p>List on 19/9/01 to enable the respondents to file written statement.</p> <p><i>K.C. Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Notice prepared and sent to B/Ls for answers the respondents No 1 to 3 by Regd A+B vide D/No 27821587 dtd 30/7/01</p> <p><i>25/7/01</i></p>	19.9.01	<p>List the matter on 19.10.2001 to enable the respondents to file written statement.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Service report are still awaited,</p> <p><i>14.8.01</i></p>	19.10.01	<p>On the request made on behalf of Mr. B.C. Pathak, Addl. C.G.S.C the case is ordered to be listed on 29.11.2001 enabling the respondents to file written statement.</p> <p><i>K.C. Sharma</i> Member</p>

29.11.01 List on 3.1.02 to enable the respondents to file written statement.

No written statement has been filed

2/11
18.9.01

[Signature]
Member

[Signature]
Vice-Chairman

mb
3.1.02

List on 1.2.2002 to enable the respondents to file written statement.

No written statement has been filed.

2/11
18.10.01

[Signature]
Member

[Signature]
Vice-Chairman

mb
1.2.02

Despite time granted respondents are yet to file written statement. Reluctantly respondents are granted another four weeks time to file written statement as a last chance.

No written statement has been filed.

2/11
28.11.01

List on 5.3.2002 for order.

No. wts has been filed.

2/11
2.1.02

[Signature]
Member

[Signature]
Vice-Chairman

mb

5.3.02 List on 4.4.2002 to enable the Respondents to file written statement.

No written statement has been filed.

2/11
31.1.02

[Signature]
Member

[Signature]
Vice-Chairman

mb

4.4.2002 No written statement so far filed though time granted. Last chance is granted to the respondents to file written statement within three weeks.

No written statement has been filed.

2/11
30.4.02

List on 1.5.2002 for order.

[Signature]
Member

[Signature]
Vice-Chairman

bb

1.5.02 Written statement has been filed. The case may now be listed for hearing on 31.5.02. The applicant may file rejoinder if any, within 10 days.

2.5.2002
w/s submitted by the Respondents.

29.5.2002

Rejoinder submitted by the applicant in reply to the w/s.

[Signature]
Member

[Signature]
Vice-Chairman

lm

7

3

OA 254/2001

Notes of the Registrar

Date

Order of the Tribunal

The case is ready for hearing as regards WTs and rejoinders.

20
12.6.02

31/5/02

The case is adjourned to 13/6/02 as the Registrar bench did not sit today.

M/s
A. K. Jena
31/5

13.6.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. The application is allowed to the extent indicated in the order. No order as to costs.

Judgment order dtd 13/6/02 communicated to the applicant and all parties concerned.

do
24/6

[Signature]
Member

[Signature]
Vice-Chairman

trd

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. . 254/2001 . . . of

DATE OF DECISION 13.6.2002

Sri Monorajan Das & Another APPLICANT(S)

Mr. S.Sarma. ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. RESPONDENT(S)

Mr. B.C.Pathak, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble Vice-Chairman.



X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 254 of 2001.

Date of decision : This the 13th day of June, 2002.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Hon'ble Mr. K.K. Sharma, Member (A).

1. Sri Monoranjan Das
Programme Executive,
All India Radio
Guwahati.
2. Sri Dibakar Sen,
Programme Executive,
All India Radio,
Tura.

...Applicants

By Advocate Mr. S. Sarma.

-versus-

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Information and Broadcasting,
New Delhi-1.
2. The Director General,
All India Radio,
Akashbani Bhawan,
Parliament Street,
New Delhi.
3. Shri M.D.Samel,
Programme Executive,
All India Radio,
Bolangir, Orissa.

...Respondents

By Advocate Mr. B.C.Pathak, Addl. C.G.S.C.

—
ORDER (ORAL)

CHOWDHURY J. (V.C.)

This is the third round of litigation. The core issue pertains to the date of promotion of these two applicants to the post of Programme Executive vis-a-vis the

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respondent no.3. The basic facts for the purpose of adjudication are as follows :

The two applicants were the direct recruits as Transmission Executive and they joined the post on 10.5.1976. The 3rd respondent joined the post of Transmission Executive on 19.8.1976 as an ad hoc promotee. According to the applicants the services of the 3rd respondent was regularised on 19.8.1976. The applicants pleaded that the 3rd respondent was junior to them. The applicants further pleaded that the post of Programme Executive was a Gazetted Group 'B' post and as per the prevalent rules notified for recruitment to the post, 75% of the posts were to be filled up from amongst the Transmission Executive having five years qualifying service in the grade. Earlier at one point of time the cadre was centralised and seniority was determined on centralised basis. All the Transmission Executives who were appointed on the basis of centralised cadre had since been promoted to the grade of Programme Executive of All India Radio. The cadre of Transmission Executive was decentralised into 24 recruiting zones. Till 1982 the selection and appointment to this grade were being done by the Head of the 24 stations of All India Radio. The seniority list was prepared for each zone separately. It was inter alia averred in the application that with a view to grant promotion to the Transmission Executive, after the cadre was decentralised, to the grade of Programme Executive against the 25% departmental promotion quota it was decided to draw up an All India List of Transmission Executives. The concerned authority advised for drawing up an All India eligibility list of Transmission Executives who were appointed/promoted after the revision of the recruitment rules on the basis of length of continuous regular service

Contd...



in the grade. It was also recommended that the names would be arranged in order of seniority based on the date of appointment. Accordingly an All India Eligibility List of Transmission Executives as on 31.12.1981 was published by the Director General on 21.6.1982. In the said eligibility list name of 3rd respondent was shown at serial no. 11 and his date of continuous appointment to the grade as well as the date of regular appointment in the grade was shown as 19.8.1986. On the other hand the name of the 1st applicant was shown at serial no. 117 and that of the 2nd applicant at serial no. 125, though the applicants joined the post on 10.5.1976 on direct recruit basis. The applicants contended that the 3rd respondent was admittedly junior to them and erroneously he was shown senior to them. A large number of representations were filed by the Transmission Executives including the applicants assailing the aforesaid list. A revised eligibility list of All India Radio and Doordarshan as on 1.1.1982 was published. In that list the name of the first applicant appeared at serial No. 203 and that of the second applicant at serial no. 202. The name of the 3rd respondent did not figure in the said list. Meanwhile, the respondents held a SPC for promotion of Transmission Executives to the post of Programme Executive on the basis of the 1981 eligibility list. In view of the wrong assignment in the seniority list the 3rd respondent was promoted along with others, but the applicants were not considered for promotion without any just cause. The respondent no.3 was promoted to the grade of Programme Executive with effect from 18.4.1983 on the strength of erroneous fixation of seniority. The applicants submitted their representations. Other Transmission Executives had

Contd...

also submitted representation to that effect. One of the Transmission Executive - V.L.N. Rao filed an application before the Allahabad Bench of the Central Administrative Tribunal challenging the 1981 All India Eligibility List and the promotions made on the basis of the said list. The said application was subsequently transferred to the Jabalpur Bench of the Tribunal. The Jabalpur Bench passed an interim order restraining the respondents in that case from holding any DPC based on the impugned eligibility list. As a result the DPC for promotion to the grade of Programme Executive was not held from 1983 to 1987. The Jabalpur Bench delivered its judgment vide order dated 5.3.1987 in T.A. No. 104 of 1986 in the case of V.L.N. Rao Vs. Director General, AIR, New Delhi. The Tribunal quashed the eligibility list of 1981 and directed the respondents to prepare a revised eligibility list following the principles laid down in that judgment. Thereafter in terms of the said judgment of the Jabalpur Bench a revised All India eligibility list of Transmission Executives of AIR and Doordarshan was prepared as on 1.1.1982 and the same was circulated on 2.8.1988. In the said list the name of the 1st applicant was shown at serial No. 200 and that of the 2nd applicant at serial No. 1999 and the name of the 3rd respondent at serial no. 235. The applicants further stated that a Special DPC was held on 25.8.1987 and 26.8.1987 in pursuance to the judgment of the Jabalpur Bench of the Tribunal and on the recommendation of the Special DPC a total of 117 Transmission Executives were promoted to the grade of Programme Executive by order dated 28.8.1987. It was clearly mentioned in the said order that the promotion of the aforesaid persons were given retrospective effect i.e. the date on which their junior

Contd..

started officiating as Programme Executive and the name of the applicants did not figure in the said list since only 117 Transmission Executives were promoted and since the name of the applicants appeared at serial nos. 199 and 200 in the revised eligibility list. Another promotion list was issued sometime in the month of November 1988 promoting about 67 Transmission Executives to the grade of Programme Executive. As per the Notification dated 21.4.1989 their promotion was given effect from 18.4.1983. The applicants contended that their case was not considered for promotion in 1987-88 though they became eligible for promotion in 1981 as per rules. The applicants further contended that by an order dated 27.10.1989 40 Transmission Executives including the applicants were promoted but they were not given retrospective effect. According to the applicants the promotion of the 3rd respondent was erroneous which was quashed by the Jabalpur Bench the applicants ought to have been promoted to the grade of Programme Executive with effect from 1983 after placing them above the 3rd respondent. The applicants submitted number of representations before the authority to give them the benefit of the judgment of the Jabalpur Bench (Supra). Being aggrieved by the action of the respondents the applicants moved this Tribunal by way of filing an O.A. which was registered as O.A. No. 163 of 1992 praying for a direction to promote the applicant with retrospective effect from 18.4.1983, the date when their juniors had been promoted with all consequential benefits including correct fixation of inter se seniority. The said O.A. was disposed of by this Tribunal on 7.12.1995 with a direction to the 2nd respondent of that O.A. to dispose of the representation dated 30.4.1991 on merits within the period

Contd....

specified therein. However, the representation of the 1st applicant was rejected and the representation of the 2nd applicant was not disposed of. The applicants again moved this Tribunal by filing of O.a. No. 131 of 1997. By an order dated 23.12.1999 the Tribunal again directed the respondents to consider the case of the applicants afresh and directed them to pass a reasoned order. The respondents vide its impugned order 16.6.2000 rejected their representations. Hence this application assailing the legitimacy of the order dated 16.6.2000.

2. The applicants in this application reiterated their plea as was raised in the earlier application. It was inter alia contended that the issue raised in the application was no longer res integra. The Jabalpur Bench already adjudicated the matter and directed the authority to constitute a Special DPC for consideration of the case of the applicants also along with V.L.N. Rao on the basis of the revised eligibility list. The Tribunal instead of setting aside the order of promotion of ineligible persons protected the promotion already given on the basis of earlier eligibility list and safeguarded their interest by not directing for their reversion. In the instant case respondent authority however in an illegal fashion rejected the claim of the applicants without duly applying their minds to the judgment and order rendered by the Jabalpur Bench of the Tribunal (Supra).

3. The respondents submitted its written statement and reiterated their stand as mentioned in the impugned order dated 16.6.2000. The relevant part of the order dated 16.6.2000 is reproduced below :

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" The perusal of the file No.4/8/87 S I (B) and 4/245/88 S I (B) (Part II) reveals that first DPC was held on 25.8.87 and 26.8.87 in respect of 131 vacancies (117 firm vacancies and 14 anticipated vacancies). In the DPC held on 25.8.87 and 26.8.87 all the 143 TREXs included in the Eligibility List circulated vide DG; AIR's O.M. no. 4/8/87 SI (B) dated 13.8.87 were considered and 131 TREXs were recommended in the panel for promotion. However, orders could only be issued in respect of 117 official against the clear vacancies vide order No. 79/87 S I (B) dated 28.8.87 (from file No. 4/8/87 S I (B)). As already stated above the Eligibility List circulated vide DG :AIR's O.M. dated 13.8.87 was further challenged in the O.A. No. 671/87 and the Hon'ble CAT, Calcutta Bench in its judgement dated 29.4.88 without quashing the those TREXs who have completed 5 years regular service as on 31.12.1981 should also be incorporated in the Eligibility List. This judgment was examined in file No. 4/245/88 S I (B) (Part II) published on 27/28.8.87 for the cadre of the Transmission Executive in the Directorate and that the eligibility list referred to in the judgement dated 29.4.88 must be the eligibility list circulated vide No. 4/8/87-SI (B) dated 13.8.87. Further it was construed that this judgement is just an improvement on the earlier judgement dated 5.3.87 delivered in O.A. included in the Eligibility List dated 13.8.87. A promotion order vide No. 4/8/8 S I (B) dated 28.8.87 was also issued in respect of 117 Transmission ExecutivesThe Eligibility List circulated vide O.M. dated 13.8.87 was further challenged in O.A. NO. 671/87 filed in the CAT, Calcutta Bench by Shri Debasis Gautam and others. The Hon'ble CAT, Calcutta Bench in its judgement delivered on 29.4.88 in O.A. No. 671/87 inter alia directed that the names of those Transmission Executives who have completed 5 years service in accordance with the Recruitment Rules for Programme Executives in force as on 31.12.81, should also be incorporated in the Eligibility List. It is stated that as per the Recruitment Rules which were in force prior to the Transmission Executives for promotion to the grade of Programme Executive was five years. The Eligibility period for Transmission Executives for promotion to the grade of Programme Executive was raised to 8 years in the recruitment rules notified in 1984. Therefore as per the directions contained in the judgement dated 29.4.88 another Eligibility List was prepared and circulated vide DG; AIR's OM No. 4/8/87 S I (B)/S.VII dated 2.8.88 for inviting objections. In this list the name of Applicants appeared at S. Nos. 200 and 199 and Respondent No.3, Shri M.D. Samal figured at S. No. 235. Subsequently, an Eligibility List

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as on 1.1.82 was finalised and circulated vide DG; AIR' O.M. No. 4/8/87 S I (B)/S VII dated 16.9.88 read with a corrigendum No.4/8/87 S I (B)/S.VII dated 15.11.88. Corrigendum had to be issued as the name of Respondent No.3 was missing from the said Eligibility List dated 16.9.88. As per the corrigendum dated 15.11.88 the name of Shri M.D.Samal, TRES was incorporated between the names of Shri J.P. Bhatt (S. No. 33) and Shri T.T. Haokip (S. No. 34) of the Eligibility List circulated on 16.9.88. A DPC was also held on 22.11.88 on the basis of the Eligibility List issued vide 4/8/87 S I (B)/S VII dated 16.9.88 which recommended the names of 46 Transmission Executives for promotion apart from 117 Transmission Executives already promoted as per the recommendations of DPC held on 25/26-8-87.

On the other hand, the case of the Applicants is that they were Direct Recruit TRESs appointed on 10.5.1976, on regular basis. In the OA NO. 131/97, it has been stressed that the Applicants' name in the Seniority list as on 31.12.81 circulated vide No. 5/33/79-SI dated 21.6.82 figured at Sr. No. 117 and Sr. No. 125 respectively though they joined AIR on 10.5.76 and the name of Sh. M.D. Samal figured at Sr. No. 11 whose date of regular appointment is 19.8.76. The Applicants have also referred to the draft Eligibility List issued vide O.M. No. T.A.A. No. 104/86 by CAT, Jabalpur Bench and that it only supplements the judgment dated 5.3.87 in T.A.A. No. 104/86 in as much as it extends the benefits contained in the judgment dated 5.3.87 by CAT, Jabalpur Bench in the matter of promotion to those TRESs who have completed 5 years of regular service as on 31.12.81. Therefore, another DPC was held on 22.11.1988 by including the TRESs who had rendered five years continuous service as on 31.12.1981 in the Eligibility List circulated vide O.M. No. 4/8/87 S I (B) dated 13.8.87. The revised eligibility list was issued vide No. 4/8/87-SI (B)/S.VII dated 16.9.88. The DPC, which was held on 22.11.88 had considered the Transmission Executives with five years regular service for promotion to the grade of Programme Executive and did not affect the promotion of 117 Transmission Executives vide order No. 79/87 S I (B) dated 28.8.1987 who had completed 8 years regular service as on 31.12.1981 and who were recommended for promotion by the DPC held on 25-26.8.1987. In the DPC held on 22.11.88 the Transmission Executives who were considered and promoted were the ones who joined AIR before December, 1975. The total number of vacancies existing as well as anticipated were 161 (including 117 against which orders were already issued vide order dated 28.8.87 on the recommendations of DPC held on 25 and 26.8.87). the last Transmission Executives who was considered and empanelled for promotion in the DPC held on 25/26-8-87 and 22.11.88 is Smt. Sheela Modi who figured at S. No. 179 of the

Contd..

Eligibility List as on 1.1.1982 circulated vide O.M. 4/8/87 S I (B) VII dated 16.9.88. The name of Shri M.D. Samal, TREX (Respondent no.3) figured between S. No. 33 and 34 of Eligibility List as on 1.1.1982 circulated vide O.M. No. 4/8/87 S I (B)/S VII dated 16.9.88. The names of Applicants 1 & 2 figured at S. No. 203 and S. No. 202 respectively of this list. As such their names could not be considered in absence of adequate number of vacancies."

4. Heard Mr. S.Sarma, learned counsel appearing on behalf of the applicants and Mr. B.C.Pathak, learned Addl.C.G.S.C. for the respondents at some length. On consideration of the respective pleadings this Bench in its judgment dated 7.12.1995 in O.A. No. 163/1992 specifically held that the two applicants were senior to the respondent no.3. The Tribunal observed that the applicants were admittedly senior to the respondent no.3 by reference to the dates of their respective regular appointments to the grade of Transmission Executive. The Tribunal gave a conclusive findings and the said findings attained finality. The Tribunal only directed them to consider the respective representations in the light of the observations made therein. Instead the authority insisted on their plea and passed the impugned order dated 19.6.1996. The Tribunal in O.A. No. 131 of 1997 on 23.12.1999 accordingly directed the authority to reconsider the matter and pass a reasoned order. We have already indicated the impugned order passed by the respondents rejecting the representation of the applicants. The respondents in its order dated 16.6.2000 mentioned that the respondent no. 3 was senior though on their own showing the applicants were senior to the respondents as per O.M. dated 16.9.1988. As per the said Eligibility List the name of the applicant nos. 1 a & 2 were shown at serial nos. 200 and 199 and the name of the respondent no.3 was shown at

Contd..

serial no. 235. The name of the respondent no.3 was not shown in the eligibility list published on 21.6.1982. After the decision rendered by the Jabalpur Bench on 5.3.1987 protecting the promotion made on the basis of earlier list, therefore question of corrigendum dated 15.11.88 placing the respondent no.3 between serial no. 33 and 34 did not arise. At any rate it was contrary to the direction issued by the Jabalpur Bench. As a matter of fact the respondents duly adhered in letter and spirit, the decision of the Jabalpur Bench in its promotion order dated 28.8.87 and 28.11.88 promoting the 117 Transmission Executives. But curiously the similar benefit was not given to these applicants without assigning any reason. The Jabalpur Bench did not direct for reversion of the person who was promoted on the basis of earlier eligibility list but at the same time the directions were issued for holding a Special DPC to consider the case of the officers like the applicants and other similarly placed officers were entitled for promotion as the result of the revised Eligibility List as if the DPC had met at that time when they became eligible for consideration on the basis of their records of performance. In the event the DPC cleared them for promotion, they were to give notional promotion retrospectively from the dates their immediate juniors were promoted to the post of Programme Executives already and their seniority in that cadre determined accordingly and their pay fixed by grant of increments with reference to the notional date of promotion as programme executives. As per the direction including the applicants could not be entitled to arrears of pay or emoluments in the higher post of Programme Executive until they actually assume the charge of posts of Programmes Executive treating the earlier period on the principles of 'No work No Pay'.


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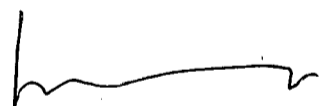
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5. In our considered opinion therefore the respondents were not justified in not giving the same benefit to the applicants as that of respondent no.3.

6. For the reasons stated above the impugned order dated 16.6.2000 is not sustainable in law and liable to be set aside and accordingly the same is set aside. The respondents are directed to give effect the promotion to the applicants notionally with effect from 18.4.1983 i.e. the date on which their junior (Respondent No.3) was promoted in the light of the direction issued by the Jabalpur Bench in O.A. No.104/86 disposed of on 5.3.1987 and the seniority of the applicants would be determined accordingly and their pay would be fixed by granting increments with reference to the notional of promotion as Programme Executives.

7. The application is allowed accordingly to the extent indicated above. There shall, however, be no order as to costs.


(K.K.SHARMA)
Member (A)


(D.N.CHOWDHURY)
Vice-Chairman

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 JUL 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

- 21 -

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

C. A. No. 254 /2001

BETWEEN

Shri Manojan Das & Anr.

- AND -

Union of India & Ors.

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Filed by

Advocate

Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O. A No. 254 / 2001

BETWEEN

1. Sri Monoranjan Das,
Programme Executive, All India Radio.
Guwahati.

2. Sri Dibakar Sen,
Programme Executive, All India Radio.
Tura.

... Applicant.

- AND -

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Information and
Broadcasting, New Delhi-1.

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

3. Sri M. D. Samel,
Programme Executive, All India Radio,
Bolangir, Orissa.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS MADE.

This application is directed against the order issued under Memo No. 6/31/92-SI(B)/202 dated 16.6.2000, by which the the claim of the applicants regarding correct assignment of seniority has been rejected.

Filed by 19
the applicant through
Alaha Das.
Advocate
12/6/2001

Alaha Das.

2. LIMITATION

That the Applicant is declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL

The Applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE

4.1 That the Applicant are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the cause of action and the reliefs sought for by the applicants are similar and therefore, they have filed this application jointly invoking Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987, to minimise the number of litigation as well as the cost of the application.

4.3 That both the Applicants are presently holding the post of Program Executive in the All India Radio and the applicant No 1 is now posted at Guwahati whereas the Applicant No 2 at Tura. Both of them join All India Radio on 10.5.1976 as Transmission Executive and served at various stations without any blemish.

MDW.

4.4 That the Respondent No. 3 joined the Transmission Executive on 19.8.76 as an adhoc promote and subsequently his service was regularised on 25.11.76 with effect from 19.8.76 i.e. with retrospective effect from the date of his adhoc promotion.

4.5 That the next promotional grade/post of Transmission Executive is Programme Executive. The post of Program Executive is a Gazetted Group-B post and as per recruitment rule 75% of those posts are to be filled up by direct recruitment through UPSC and 25% posts are to filled up from amongst the Transmission Executive having 5 years qualifying serving in that grade.

4.6 That prior to promulgation of revised recruitment rules pertaining to Transmission Executive, the entire cadre was centralised and the seniority was determined on centralised basis. All the Transmission Executives who got their appointment on the basis of centralised cadre has since been promoted to the grade of Programme Executive in All India Radio. In 1974 the cadre of Transmission Executive was decentralised and 24 recruitment zones were created. Till 1982 the selection and appointment to these grade were being done by the heads of the 24 stations of All India Radio. Seniority list was prepared separately for each zone.

4.7 That with a view to granting promotion to the Transmission Executives, appointed after the cadre was

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decentralised to the grade of Programme Executive against 25 % departmental promotional quota, it was decided to draw an All India seniority list of Transmission Executives. The matter was referred to the department of Personnel and it was recommended that only feasible course was to draw up an All India eligibility list of Transmission Executive who have been appointed/promoted after the revision of recruitment rules on the basis of length of continuous regular service in that grade. In other words it was recommended that the names be arranged in order of seniority based on the date of appointment. Accordingly an All India eligibility list of Transmission Executives in All India Radio as on 31.12.81 was published vide Director General All India Radio letter No. 5(33)/70-SI dated 21.6.82.

In the said eligibility list name of the Respondent No. 3 Sri Samel was shown at serial No. 11 and his date of continuous appointment to the grade as well as the date of regular appointment in the said grade was shown as 19.8.76. On the other hand names of the 1st Applicant was shown at serial No. 117 and the 2nd Applicant at serial NO. 125. The date of continuous appointment to the grade as well as the regular appointment to the said grade in respect of both the Applicants were shown as 10.5.76 in case of both the Applicants.

A copy of the said eligibility list (extract only) of 1981 is annexed herewith and marked as

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Annexure-1.

4.8 That from the aforesaid fact it is clear that although the Respondent No. 3 is junior to the present Applicants has been shown wrongly as senior to the Applicants and he was assigned a wrong seniority position. It is noteworthy to mention here that apart from that there were lots of anomalies cropped up in the said eligibility list. However, the Director General, probably apprehending that in view of large number of seniority list of different zone based on which the aforesaid eligibility list was prepared, such errors might have cropped up while issuing the said list and accordingly it was advised to all the heads of the main station of All India Radio to consolidate the objections/representations from the Transmission Executives and to send those objections/representations to the Director General. Numbers of representations/objections were filed by the Transmission Executives from all parts including the present Applicants. Thereafter a revised All India eligibility list of Transmission Executive of All India Radio and Doordarshan as on 1.1.62 was published. In the said eligibility list name of the Applicant No. 1 appeared at serial No. 203 and at serial No. 202 the name of the Applicant No. 2 appeared. However, the name of the Respondent No. 3 did not figure in the said list.

A copy of the said list (Extract) is annexed

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herewith and marked as Annexure-2.

4.9 That in the mean time Respondent hold a Departmental Promotion Committee (DPC) for promoting Transmission Executives to the post of Programme Executives on the basis of 1981 eligibility list. Because of erroneous seniority position Respondent No. 3 was considered and upon such erroneous consideration he was promoted to the post of Programme Executive along with some others whereas Applicants although are senior to the said Respondent No. 3 was not considered for such promotion. In fact, Respondent No. 3 is junior to the Applicants, however he got his promotion to the post of Programme Executive with effect from 18.4.83 on the basis of such erroneous seniority list of 1981. On the other hand Applicants although senior to the Respondent No. 3 have been deprived of such promotion. As stated above there were lots of irregularities and anomalies in the said eligibility list of 1981. Applicants raising the plea of such erroneous seniority made representation to the concern authority. There were many such representations from other Transmission Executives regarding wrong fixation of seniority and the promotion to their juniors but nothing came up from the official Respondents. Being aggrieved one Sri V. L. N. Rao, Transmission Executive preferred an OA before the Hon'ble Tribunal, Allahabad Bench. In the said OA Mr. Rao challenge the eligibility list of 1981 and the promotions made on the basis of said list. The said OA was subsequently transferred to Jabbalpur Bench of this

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Hon'ble Tribunal and it was numbered and as registered as TOA No. 104/86.

4.10 That in the aforesaid TOA No. 104/86 the Hon'ble Jabbalpur Bench of this Tribunal passed an order restraining the Respondents to hold any DPC based on the impugned eligibility list. The official Respondents complying with the said order did not convinced any DPC with effect from 1982 to 1987.

4.11 That the Hon'ble Jabbalpur Bench deliberate its judgment in the said OA (TOA NO. 104/86) on 5.3.87. The said Hon'ble Tribunal was pleased to set aside and quashed the eligibility list of 1981, and direction was issued to the Respondents thereto to prepare a revised seniority list and for that certain principles have been laid down in the said judgment itself. The Director General, New Delhi issued a Memorandum dated 28.5.87 in connection with the said judgment.

Applicants crave leave of this Hon'ble Tribunal to rely and refer upon the contentions in the judgment at the time of hearing this case.

A copy of the said OM dated 28.5.87 is annexed as Annexure-3

4.12 That thereafter the Respondents prepared a revised All India eligibility list of Transmission Executive in AIR and Doordarshan as on 1.1.82 in terms of the judgment and order dated passed by the Hon'ble Jabbalpur Bench of this Hon'ble Tribunal. The said

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eligibility list was circulated vide letter No. 4(B)/87-SI(D)-S-VII dated 2.8.88. In the said eligibility list of the Applicant No. 1 & 2 appears at serial No. 200 and 199 respectively, whereas the name of the Respondent No. 3 appeared at serial No. 205. Due to typographical error the name of the Respondent No. 3 have been shown as S.D. Mamol instead of M.D. Samel.

A copy of the aforesaid list is annexed herewith and marked as Annexure-4.

4.13 That after preparation of the aforesaid eligibility list, a special DPC was convened on 25/26th August, 1987. The said DPC was convened taking into consideration the principles laid down by the Hon'ble Jabbalpur Bench and on recommendation of the said DPC total 117 Transmission Executives were promoted to the grade of Programme Executive by an order bearing 79/87-SI(B) dated 26.8.87. The said order dated 28.8.87 specifically mentioned that the promotion the Programme Executive shall deem to have been with effect from 18.4.83, the date on which their juniors started officiating as Programme Executive. Since on the 117 Transmission Executive were promoted by the said order and the seniority position contained in the eligibility list of the Applicants were below 117, their name did not appear in the list of Transmission Executive who got their promotion pursuant to the order dated 26.8.87. However, the Applicants were expecting that as and when vacancy will arise they would be promoted in accordance with the revised seniority position.

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A copy of the order of promotion dated 28.8.87 is annexed herewith and marked as Annexure 5.

4.14 That subsequently another promotion order has issued by the Respondent promoting 67 Transmission Executive to the Grade of Programme Executive. However, due to the seniority position of the Applicants their name did not figure in the said order of promotion. The aforesaid order of promotion has issued in the month of November '88 giving retrospective effect of those promotion from 18.4.83. In spite of best effort, the Applicants could not obtain a copy of the said order of promotion of 67 Transmission Executives to Programme Executive. It is noteworthy to mention here that the Respondents thereafter issued a notification bearing No. 4(2)/87-21(B) dated 21.4.89 which reflects the fact that the promotion orders have been given retrospective effect from 18.4.83.

A copy of the notification dated 21.4.89 is annexed herewith and marked as Annexure 5.

The cases of the Applicants were not considered for promotion in the year 1987 and 1988 for the reasons best known to the official Respondents. In fact the Respondents before issuance of the aforesaid promotion orders never considered the ACRs of the Applicants. Since the ACRs were not considered before issuance of the aforesaid promotion orders question of adverse entries does not arise. On the other hand both

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the Applicants were eligible for promotion to Programme Executive in 1981 i.e. on completion of 5 years of service as Transmission Executive but ignoring that fact, the Respondents did not issued any order of promotion to them. Subsequently the Respondents issued an order dated 27.10.89 by which 40 Transmission Executives were promoted to the post of Programme Executive. In the said order the name of the Applicants appeared and pursuant to that they got their promotion and posting as Programme Executive.

A copy of the aforesaid order of promotion dated 27.10.89 is annexed herewith and marked as Annexure-7.

4.15 That surprising the enough in the order of promotion dated 27.10.89 promoting the Applicants to the post of Programme Executive no retrospective effect was given in the said promotion order. It has been stated in the said order of promotion dated 27.10.89 that such promotion will b effective from the date they took charge. However, the Respondent No. 3 being juniors to the Applicants got his term of promotion way back in 1983 and the official Respondents while issuing the promotion order dated 27.10.89 failed to take into consideration that aspect of the matter.

4.16 That the Applicants beg to state that the eligibility list of 1981 basing on which the Respondent No. 3 was erroneously promoted has been set aside and quashed by the Hon'ble Jabbalpur Bench of this Hon'ble

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Tribunal but the official Respondents have failed to take into consideration that aspect of the matter and issued the subsequent promotion order dated 27.10.89 promoting the Applicants with prospective effect. The Respondent No. 3 admittedly being junior to the present Applicants got his promotion in the year 1983 that too pursuant to a erroneous, non-existent eligibility list. The official Respondents ought to have promoted the present Applicants to the grade of Programme Executive with effect from 1983 i.e. prior to the promotion given to the Respondent No. 3.

4.17 That the Applicants submitted several representations ventilating their grievances praying for their promotion to the grade of Programme Executive with retrospective effect taking into consideration the judgment of Hon'ble Jabalpur Bench but same availed no result in affirmative. It is pertinent to mention here that the Director General issued an Office Memorandum dated 4.2.91 in response to one of such representations and sought particulars of juniors to the cadre of Transmission Executives who have been promoted earlier. In reply to the said OM, the Applicants preferred a representation dated 00.4.91 furnishing all the details of their grievances but nothing has been communicated to them.

4.18 That situated thus the Applicants preferred CA No. 163/92 before the Hon'ble Tribunal praying for their promotion to Programme Executive with effect from

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18.4.83 and consequential benefits. The Hon'ble Tribunal vide its judgment and order dated 7.12.95 issued a direction to the Director General, AIR to dispose of the representation dated 30.4.91 with speaking order.

A copy of the judgment and order dated 7.12.95 is annexed herewith and marked as Annexure-8.

4.19 That thereafter the Respondents issued an order bearing No. 6(31)/92-SI(B) dated 19.6.96 rejecting the representation dated 30.4.91 without taking into consideration the principles laid down in the Jabbalpur Bench's judgment.

A copy of the said order dated 19.6.96 is annexed herewith and marked as Annexure-9.

4.20 That the Applicants beg to state that while issuing the order dated 19.6.96 the Director General have not applied his mind also did not take into consideration the fact that the Respondent No. 3 was promoted in the year 1983 in the grade of Programme Executive ahead of the Applicants who were much senior to him. The said Respondent No. 2 also failed to take into consideration the fact that the Respondent No. 3 was promoted to Programme Executive pursuant to the eligibility list which was subsequently set aside and quashed by the Hon'ble Jabbalpur Bench of CAT.

4.21 That the Applicant beg to state that the action of

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the Respondent No. 2 in issuing the so call corrigendum dated 15.1.88 purportedly in terms of the judgment of Hon'ble Jabbalpur Bench is also not tenable inasmuch as the promotion of the Respondent No. 3 was affected way back in 18.4.83 much before the judgment was passed and more so the said corrigendum was never circulated on amongst the employees more specifically the Applicants who prejudice and adverse affected by the said corrigendum.

4.22 That ventilating the aforesaid grievances the Applicants once again preferred OA No. 131/97 challenging the legality and validity of the order dated 19.6.96 and praying for their promotion to the cadre of Programme Executive with effect from 18.3.83 i.e. the date on which their junior (Respondent No. 3) was promoted by refixing their seniority over the said Respondent No. 3. The aforesaid OA came up for hearing on 23.12.99 and the Hon'ble Tribunal was pleased to dispose of the said OA with a direction to reconsider the case of the Applicants by passing a reasoned order.

A copy of the aforesaid judgment and order dated 23.12.99 is annexed herewith and marked as Annexure-10.

4.23 That pursuant to the aforesaid judgment and order dated 23.12.99 passed in OA No. 131/97 the Respondents issued an order dated 10.6.2000 reiterating the earlier stand taken in the order dated 19.6.96 and finally, rejected the claim of the Applicants. The No. The pro

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of the aforesaid order dated 16.6.2000 is that the Respondents while promoting the Applicants have taken into consideration the judgments passed by the Hon'ble Tribunal.

A copy of the said impugned order dated 16.6.2000 annexed herewith and marked as Annexure-11.

4.24 That the Applicants beg to state that the statement made by the Respondents in the impugned order is not tenable on the ground that the Respondent No. 3 got his promotion in the year 1983 pursuant to the eligibility list of 1981 which was subsequently set aside and quashed by the Hon'ble Tribunal, Jabbalpur Bench. However, in the impugned order the Respondents have tried to justify their action taking the shelter of the judgment passed by the CAT, Jabbalpur Bench. The Respondents ought to have cancelled the order of promotion made to the Respondent No. 3 in the year 1983 owning the judgment of the CAT, Jabbalpur Bench by issuing necessary order but inspite of has been full knowledge of the said judgment the Respondents now by issuing the impugned order have tried to cover up their inaction that too in the light of the judgment which goes against their action. Hence the aforesaid impugned order dated 16.5.2000 is not sustainable in the eye of law and liable to be set aside and quashed.

4.25 That the Applicants beg to state that the Respondents has acted in direct conflict with the judgment passed by the Hon'ble Tribunal, Jabbalpur

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Bench. It is pertinent to mention here that pursuant to the decision of the Hon'ble Tribunal, Jabbalpur Bench the earlier seniority list was revised and in the revised seniority list although the Respondent No. 3 has been shown as junior to the Applicants but his order of promotion was never modified. Neither the Respondents modified the order of promotion even to the Respondent No. 3 taking into consideration the decision of Jabbalpur Bench nor the promotion given to the Applicants made retrospective effect. The entire action on the part of the Respondents are not fair and same is violative of principles of administrative fairplay. It is pertinent to mention here that the Respondents in the cases of other similarly situated persons like that of the present Applicants have issued promotion orders promoting them to Programme Executive with retrospective effect but in case of the present Applicants that effect the promotion was given of prospective one which seriously jeopardised the service of the Applicants.

4.26 That the Applicants beg to state that the benefit flows from the said Jabbalpur Bench giving retrospective promotion to others was not extended to the present Applicants for the reasons best known to them. As stated above other similarly situated employees got retrospective benefit to their promotion to the grade of Programme Executive in the light of the revised seniority list but only in case of the present Applicants the aforesaid procedure was not maintained.

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4.27 That the Applicants beg to state that the Respondents authorities are adopting difference stand at different levels in issuing the impugned order and he wanted justify their action by highlighting the fact that same has been done as per the direction of the Hon'ble Tribunal, Jabbalpur Bench's judgment.

5. GROUNDS WITH LEGAL PROPROVISIONS

5.1 For that the action/inaction on the part of the Respondents in fixing incorrect seniority to the present Applicants is not sustainable in the eye of law and liable to be set aside and quashed.

5.2 For that impugned order passed by the Respondents is perse illegal, arbitrary and same depicts total non-application of mind by the Respondents and hence same are liable to be set aside and quashed.

5.3 For that the Respondents while passing the impugned order ought to have taken due consideration of the fact that the Respondent No. 3 is admittedly junior to the present Applicants and same has been corrected in the revised eligibility list but having not done so the Respondents have acted illegally and hence their action in issuing the impugned orders are liable to be set aside and quashed.

5.4 For that the Respondents did not take into account the fact that the Respondent No. 3 have been promoted on adhoc basis Programme Executive much earlier to the

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judgment passed by the Hon'ble Tribunal, Jabbalpur Bench by superseding the Applicants who are admittedly senior and the failure on their part has rendered the impugned order dated 15.6.2000 to be set aside and quashed directing the Respondents to give effect the promotion of the Applicants with effect from 18.4.88 on the basis of next below rule under FRSR.

5.5 For that the entire action on the part of the Respondents are illegal inasmuch as same is in direct conflict with the judgment passed by the Hon'ble Tribunal, Jabbalpur Bench.

5.6 For that the differential treatment meted out to the present Applicants in not promoting them with retrospective effect tantamounts to violation of Article 14 and 15 of the Constitution of India.

5.7 For that in any view of the matter the action/inaction on the part of the Respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED.

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to

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which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quashed the impugned order dated 16.6.2000 (Annexure-11) with a further direction to the Respondents to promote the Applicants to the cadre Programme Executive with effect from 18.4.83 i.e. the date on which their junior (Respondent No. 3) was so promoted with all consequential service benefits including arrear salary and due interest thereof.

8.2 To direct the Respondents to promote the Applicants to the next higher grade of Asstt. Station Director taking into consideration the revised eligibility list of Transmission Executive which was prepared pursuant to the judgment and Hon'ble Tribunal, Jabbalpur Bench.

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8.2 Cost of the application.

8.4 Any other relief/reliefs to which the present Applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

During the pendency of this OA the Applicant prays for an interim order directing the Respondents not to hold any DFC for promotion to the grade of Asstt. Station Director by suspending the operation of the impugned order dated 15.6.2000.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

- (i) I.P.O. No.: 66 792086
- (ii) Date: 9/5/2001
- (iii) payable at Guwahati

12. LIST OF ENCLOSURES

u/s 20.

VERIFICATION

I, Shri Manoranjan Das, S/o I Das, aged about 50 years, presently working as Programme Executive, All India Radio, Guwahati, do here by solemnly affirm and state that the statement made in this application from paragraph 2 to 4'10, 4'9, 4'10, 4'15, 4'16, 4'17, 4'20, 4'21, 4'24 to 4'27 are true to my knowledge and those made in paragraphs 4'7, 4'8, 4'17, 4'12, 4'13, 4'14, 4'18, 4'19, 4'22, 4'23 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal. I have also been duly authorised to swear this affidavit on behalf of the Applicant No. 2.

And I sign this verification on 12th day of June, 2001.

Signature.

Manoranjan Das

ALL INDIA ELIGIBILITY TEST OF TRANSMISSION EXECUTIVES (31-12-81)

No.	Name & Educational Qualifications.	Date of Birth.	Date of entry into Govt. service.	Date of continuous appointment in the present grade.	Date of regular appointment in the present grade.	Station where posted.	State in which the Station falls.	Remarks.
1	2	3	4	5	6	7	8	
1	Smt. Prem Mathur. B.A.	18-3-26	11-6-75	11-6-75 11-6-75		AIR, New Delhi.	Delhi.	
2	Kun. Usha Anand. M.Sc.	3-2-53	6-6-35	24-11-75 27-11-75		Simla.	Himachal Pradesh.	1st W. f. 25-6-77
3	Shri. Dipal Singh. B.A.	21-7-39	23-3-62	1-6-70 28-8-70		Ranchi.	Bihar.	
X 4	Shri D. Mulvey. M.Sc.		16-12-76	16-12-76 16-12-76		Bagchi.	Bihar.	1st W. f. 20-6-77
5	Shri P. N. Srivastava. B.A.	1-2-26	1-2-49	7-11-69 28-8-76		AIR, Patna.	Bihar.	
Y 6	Shri Ran Vijay Prasad.		25-11-75	25-11-75 25-11-75		Ranchi.	Bihar.	Since resigned
7	Shri Vinod Mehta. B.A.	31-12-51	17-1-76	1-1-76 1-1-76		Indore.	Madhya Pradesh.	
8	Shri M.H. Siddiqui. B.A.	16-11-34	18-8-58	19-10-65 27-9-76		Jagdalpur	Madhya Pradesh.	
9	Smt. Kavita Chaturvedi. M.A. (Previous)	1-7-52	3-12-75	3-12-75 3-12-75		AIR, Jhopsal	Madhya Pradesh.	

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10.	Shri S. D. Sh.	9-5-39	1-11-61	19-8-76 19-8-76	Jaypore	Orissa	Pt. TREX w.e.f. 25-11-76
11.	Shri M.D. Samal.	2-11-72	11-8-64	19-8-76 19-8-76	AIR, Cuttack.	Orissa.	Pt. TREX w.e.f. 25-11-76
12.	Shri Suresh-Chandr. Nayak.	4-1-52	26-12-75	25-12-75 25-12-75	AIR, Cuttack.	Orissa.	Pt. TREX w.e.f. 27-11-76
13.	Shri R. Singh. (S/T).	4-8-74	2-9-76	2-9-76 2-9-76	Sambalpur.	Orissa.	PEX w.e.f. 13-1-81 Pt. TREX w.e.f. 27-6-77
14.	Shri Smits Choudhury. M.A.	1-1-53	9-12-75	9-12-75 9-12-75	CBS, Cuttack	Orissa.	
15.	Shri Atma Ram J. Manghani.	30-6-30	1-6-60	18-11-65 18-11-65	AIR, Jaipur.	Rajasthan.	
16.	Smt. V.K. Advania. M.A.	9-5-49	2-1-72	12-12-75 12-12-75	Udaipur.	Rajasthan.	
17.	Shri Preen Khanwani. M.A.	15-6-41	1-9-62	5-8-70 2-9-76	CBS, Jaipur	Rajasthan.	
18.	Shri G.P. Sani.....						Services terminated w.e.f. 6-2-80
19.	Shri U.A. Sangtani.....						Resigned w.e.f. 15-3-77
20.	Smt. Gulab Chilla. M.A., LL.B. Dip. in Journalism.	7-7-48	15-1-76	15-1-76 15-1-76	Nikaner.	Rajasthan.	
21.	Shri N.D. Tulsiani. J.A.	3-6-42	10-4-64	31-12-70 4-9-76	AIR, Jaipur	Rajasthan.	

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108.	Shri L.K.Chopra. M.A.	22-10-52	15-3-76	15-3-76	Jabalpur	Madhya Pradesh	
X 109.	Shri Yusuf Sheikh. M.Sc.	1-8-48	17-3-76	17-3-76	Panaji	Goa	PEX No. 28-8-80
110.	Shri S.K.Mondal. (S/C) Intermediate	19-8-37	6-4-62	8-9-70	CBS, Calcutta	West Bengal	
111.	Shri A.K.Mondal. (S/C) M.A., B.Ed., LL.B.	19-12-51	17-3-76	17-3-76	Al., Calcutta	West Bengal	
112.	Inder Sen Singh. B.Sc(Hons)	4-11-51	29-3-76	29-3-76	Varanasi	U.P.	
113.	Shri N.C.Joshi. M.A.	16-1-50	26-3-76	26-3-76	Allahabad	U.P.	
X 114.	Smt. S. Showmik. Intermediate.	26-9-24	7-5-40	5-6-49	Gauhati	Assam	Retired
X 115.	Shri Kamal Sharma. M.A.	26-8-51	19-3-76	19-4-76	Dibrugarh	Assam	Retired
116.	Shri M.N.Goswami. M.A.	1-3-34	21-2-58	11-3-70	Gauhati	Assam	
117.	Shri Manoranjan Das. M.A.	1-8-51	10-3-76	10-3-76	Dibrugarh	Assam	
X 118.	Shri P.K.Doreh. Metric.	1-10-25	21-6-48	18-3-70	Gauhati	Assam	Retired
X 119.	Shri Subhas Deka. M.A.	1-11-50	12-3-76	12-4-76	Gauhati	Assam	Retired

Attested
W.D.S.
Advocate.

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120.	Shri Bhagirath Babha. (S/T) B.A.	1-4-38	12-12-63	10-11-70 23-10-76	Silchar	Assam	
X 121.	Shri P.J. Mohanta. M.A.	1-1-52	7-1-76	7-4-76 7-4-76	Guahati	Assam	Since resigned.
122.	Shri Chaturbhuj Panda. B.Com.	18-6-39	29-1-65	19-5-76	Sambalpur	Orissa	
123.	Shri A.K. Mohanty. B.Com., LL.B.	18-6-52	15-4-76	15-4-76 15-4-76	AIR, Cuttack	Orissa	
X 124.	Smt. H. Shabang. B.A.	22-3-37	9-1-62	22-5-70 1-11-76	Shillong	Meghalaya	PEX w.e.f. 8-77
✓ 125.	Shri Dinkar Sen. M.A.	1-4-47	1-1-73	10-5-76 10-5-76	Shillong	Meghalaya	
126.	Shri A.D. Chaudhary. SSC	15-5-46	2-3-65	27-8-76 27-8-76	Rajkot	Gujarat	
127.	Smt. Anita D. Shah. M.A., B.Ed.	22-9-48	28-10-76	28-10-76 28-10-76	CBS, Ahmedabad	Gujarat	
128.	Shri K.C. Rana B.Sc.	6-12-49	11-5-70	27-8-76 27-8-76	Bhuj	Gujarat	
129.	Shri K.M. Damor. (S/T) B.A.	5-2-51	17-5-76	17-5-76 17-5-76	Rajkot	Gujarat	
130.	Shri Vijay Kumar B.A. (Hons), M.Sc.	8.10.53	2.6.76	2.6.76 2.6.76	Kanpur	Uttar Pradesh	

Attested
N.S.
Advocate

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ANNEXURE 2 23

REVISED ALL INDIA ELIGIBILITY LIST OF TRANSMISSION
EXECUTIVES IN ALL INDIA RADIO/DOORDARSHAN AS ON
1ST JANUARY, 1982.

	1	2	3	4	5	6
	Name and date of birth	Date of continuous appointment	Present posting	Remarks if any.		
	1 S/Shri C.L.Reddy	11.2.63	AIR Cuddapah			
	2 S.N.Talangangi	27.5.63	CBS Chandigarh	Working		
R-1	3 A. S. Sethumadhavan	23.10.65	CBS Bombay	as PEX		
J-1	4 Atamaram Manglani	18.11.65	AIR Jaipur	-do-		
K-1	5 Smt. Kamla Divigi	27.1.66	AIR Dharwar	Retired on		
K-2	6 P.R. Bengigeri	1.1.66	AIR Dharwar	31.10.82		
	7 M. S. Ramanathan	2.6.69	AIR Madras	Working as PEX		
	8 Smt. V. S. Krishnamurthy	19.7.69	UDK Hyderabad	-do-		
	9 Ram Murti	6.10.69	AIR Almora	-do-		
	10 S.R. Kureel	17.9.69	AIR Lucknow	-do-		
	11 R.B. Dabhade	12.12.69	AIR Nagpur	-do-		
	12 Om Parkash	5.1.70	AIR Jalandhar	-do-		
	13 Rar Gopal	6.1.70	UDK Delhi	-do-		
	14 P. Prabhakar	12.1.70	AIR Trichur	-do-		
	15 Smt. S.P. Naik	30.1.70	AIR Bombay	-do-		
	16 K.P. Phadke	2.11.65	AIR Sangli	-do-		
	17 P.L. Kaul	7.2.70	CBS Srinagar	-do-		
	18 M.N. Goswami	1.3.70	AIR Guahati	-do-		
	19 E.T. Ramanunni	22.4.70	AIR Calicut	-do-		
	20 Ashok K. Manna	11.6.70	AIR Nagpur	-do-		
	21 M.P. Dakshini	22.6.70	AIR Delhi	-do-		
	22 A.P. Jairath	1.7.70	AIR Hyderabad	Retired on		
	23 Prem C. Khanwani	5.8.70	AIR Udaipur	28.2.83 Working as PEX.		

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W.S.

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	195	S/Shri H.L.Kaul	1.3.76	DDK Srinagar
	198	Ab. Majid	17.2.76	DDK Srinagar
	197	Ravi Magotra	12.3.76	Radio Kashmir Srinagar
K-9	198	Tsewang Rigzin	11.2.76	AIR Lda
TN-15	199	G.Vijay Kumar	24.3.76	AIR Madras
UP-13	200	N.C.Joshi	26.3.76	AIR Almora
RAJ-10	201	Snt. Sunan Mathur	13.4.76	AIR Jaipur
MEGH-6	202	Dibakar Sen	10.5.76	AIR Shillong
AS-8	203	M.R. Das	10.5.76	AIR Gauhati
UP-14	204	Satyendra Singh	27.5.76	AIR Lucknow
UP-15	205	K.C.Gupta	26.5.76	AIR Gorakpur
BIH-8	206	S. Rehman	3.6.76	AIR Patna
BIH-9	207	Joseph Puri	17.3.76	AIR Ranchi
UP-16	208	Bajrang Tewari	3.6.76	AIR Mathura
MR-27	209	V.V.Randive	10.6.76	AIR Aurangabad
MR-28	210	Sayed Liyakatali	10.6.76	AIR Jalgaon
MR-29	211	Snt. Deepa Jha	5.1.76	CSU Bombay
MP-14	212	Javed Akhtar	11.6.76	CBS Bhopal
KTK-6	213	H.R. Kanala	14.6.76	AIR Dharwar
MP-15	214	Anil Kumar Srivastava	21.6.76	AIR Jalgaon
MP-16	215	Prabhu Shankar Joshi	21.6.76	AIR Indore
TN-16	216	Kn.R. Senthimith Selvi (SC)	5.7.76	AIR Tiruchirappalli
TN-17	217	N.C.Ganaprakasam	5.6.76	AIR Madras
TN-1	218	Anil Ch. Das	7.7.76	AIR Agartala
KTK-7	219	R. Bharatdri	7.7.76	AIR Bangalore
KTK-8	220	XXXX Shobha Srihari	3.7.76	CBS Bangalore
KTK-9	221	V.N.Torgal	3.1.76	AIR Dharwar
HAR-2		I.M.S. Chauhan	9.7.76	AIR Rohtak
TN-18	223	Snt. Zarinā Begum	12.7.76	AIR Madras
TN-19	224	Snt. Pushpan Bright	5.6.76	AIR Madras
TN-20	225	E. Anandan	14.6.76	AIR Coimbatore
HP-3	226	Gian Chand Sharma	17.7.76	AIR Shimla
KTK-10	227	S.S.Belgari	22.7.76	AIR Gulbarga
KTK-11	228	V.M.Jagadesh	20.7.76	AIR Bhadravati
KTK-12	229	G.Gajalakshmi Sreedhar	31.3.76	AIR Bangalore

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Attested
W.S.
Advocate.

MOST IMMEDIATE

Government of India
Directorate General : All India Radio

..... Akashvani Bhavan,
Parl. Street,
New Delhi-110001.

Dated: 23.6.1987.

No. 4(8)/87-SI(B).

OFFICE MEMORANDUM

Subject:- All India Eligibility List of TREXs in AIR and Doordarshan as on 1.1.1982 - quashing regarding.

In pursuance of the judgement delivered by CAT Bench at Jabalpur on 5.3.87 in a case filed by Shri V.L.N. Rao, TREX, AIR, Jagdalpur, the All India Eligibility List as on 1.1.82 circulated vide this Directorate's O.M.No. 5(33)/75-SI, dated 21.6.82, stands quashed.

While quashing the Eligibility List as on 1.1.82, the Hon'ble Jabalpur Tribunal has also highlighted the broad principles which should be adopted in preparing and compiling the revised All India Eligibility List in substitution of the quashed list.

3. The principles in drawing up the eligibility list of TREXs for purposes of promotion to the grade of PEX are set out as under :-

- (i) The revised all India Eligibility List will consist of Transmission Executives promoted/recruited on regular basis and their names will be arranged according to the dates of continuous officiation, i.e. the date from which they have started officiating even as ad-hoc TREXs, provided such officiation remaining unbroken and uninterrupted. The arrangement of names on the All India List will be subject to the following further considerations.
- (ii) If in the case of any promotee in the grade of TREX, there is no previous ad-hoc continuous officiation prior to listing by the concerned DPC, the date of holding of the DPC will be the date for governing their position in the All India Eligibility List.

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(iii) The order of arrangement on the revised eligibility list will also be subject to the zonal inter-se ranking recommended by the DPC. In other words, the inter-se seniority of promotees in a particular zone shall not be changed with reference to the ad-hoc service, if any, put in by them earlier before their regularisation by the D.P.C.

(iv) The following are the additional instructions governing the position of Transmission Executives who were DPC-listed in one zone, but later transferred to another zone for want of vacancies in the parent zone:-

(a) Their names should be reflected in the seniority list of the original zone taking into consideration their position in the DPC list.

(b) They will be treated for the purpose of preparation of eligibility list alone, as if they are on deputation/loan to another zone, where they may be working at present.

(c) Ad-hoc continuous officiation as TREXs, if any, in regard to them, either in the original zone or elsewhere, will be given credit as it is done in the case of others who might not have been subjected to transfer.

(v) The seniority of TREXs who have joined other zones on transfer on their specific request will be fixed with reference to the date of joining in the new zone.

(vi) These TREXs who have rendered less than 8 years of continuous service in that grade as on 1.1.82, including continuous ad-hoc service, if any, earlier, should not be reflected in the lists of eligible TREXs to be furnished by the zone irrespective of their position in the seniority list of the zone concerned.

4. The under-mentioned Heads of Offices are, therefore, requested to send seniority lists of TREXs in their respective zones on the principles indicated above, to this Directorate positively by 15th July, 1987. The Confidential Reports of the TREXs, who have been regularised by the respective DPCs and who have completed 8 years service continuous and unbroken - as on 1.1.1982, may also be sent

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Attest
W. S. Das
Advocate

alongwith seniority lists of the respective zones. While furnishing the seniority list, a certificate may be given by the Head of Office that the principles indicated in para 3 above, have been taken care of while preparing the State seniority list. Any clarification in this regard, if necessary, may be obtained from Shri I.L. Bhatia, Deputy Director Administration (Welfare) telephonically, in view of the urgency of the matter. (The telephone Nos. of Shri I.L. Bhatia are - 389906 (off) - 650905 (Res.)).

5. The Hon'ble Tribunal at Jabalpur had directed that the DPC for promotion to the level of PEXs on the basis of the revised eligibility list, as on 1.1.82, must be held by 3rd June, 1987. We have requested the Tribunal to extend this deadline by 3 months. However, the Judgement of the Tribunal is awaited. In view of this, it is requested that immediate necessary action may please be taken to ensure that the CRs and the seniority lists of the respective stations are furnished to this Directorate positively by 15th July, 1987, failing which, a serious view will be taken for non-compliance of Directorate's orders. It may be possible that in a few cases CRs of 1986 may not be available. The Heads of Offices are requested to either complete the same, failing which, send the CRs upto 1985 to this Directorate, alongwith the seniority list. Vigilance clearance of all the concerned TREXs may also please be sent.

6. Necessary extracts of the operative judgement of the Tribunal are enclosed for perusal.

7. A copy of the DPC minutes which regularised the ad-hoc TREXs between August, 1976 to October, 1986 may also kindly be sent to this Directorate for perusal.


(Amrit Rao Shinde)
Director General.

To

The Station Director, AM, Bhopal (MP)/Cuttack(Orissa)/Rohtak (Haryana)/Delhi/Guwahati/Bangalore/Hyderabad/Trivandrum/Madras/Ahmedabad/Jalandhar/Shillong/Bombay/Srinagar/Port-Blair/Imphal (Manipur)/Agartala (Tripura)/Jaipur/Calcutta/Lucknow/Shimla/Panaji/Kohima/Patna.

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11/7/86
11/7/86

Attested

Advocate.

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Extract from Central Administrative Tribunal,
Jabalpur Bench TAA 104/86 in the case of
Shri V.L.N. Rao, Petitioner Vs Director General,
All India Radio, New Delhi - Respondant.

(Judgement delivered on the 5th March, 1987.)

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12. We accordingly direct the Respondent to prepare and compile a revised All India 'Eligibility List' of Transmission Executives indicating the position as on 1.1.82 in substitution of the list quashed, arranged with reference to the dates of continuous officiation in the grade of Transmission Executives with reference to the dates from which they started officiating even as ad-hoc Transmission Executives before the D.P.C.'s had regularised them subject to such officiation remaining un-broken and un-interrupted. If in the case of an officer there is no past/previous ad-hoc continuous officiation then his date of seniority for purposes of All India 'Eligibility List' will be reckoned from the date of the D.P.C. which cleared him for regular appointment. Those ad-hoc Transmission Executives who were not regularised or recommended for promotion on regular basis will not figure in this list. The order of ranking of the Transmission Executives so arranged on the 'Eligibility List' will also be subject to the zonal (State) inter-se internal ranking recommended by the D.P.C. remaining intact irrespective of the fact whether a particular officer had started officiating as ad-hoc Transmission Executive in the respective zone earlier if the D.P.C. has given a lower position in the zonal cadre or vice-versa, as the case may be. Subject to this the All India 'Eligibility List' will be on the basis of the orders of continuous officiation in the grade and not from the dates of regular appointment or joining as Transmission Executives unless an officer has no previous continuous period of ad-hoc officiation either within the zone for which

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Asst. Secy.
Asst. Secy.
Asst. Secy.

Asst. Secy.
Asst. Secy.

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DPC has cleared their promotion or in another zone where on officer has joined as in case of the petitioner which will be treated as a case of deputation ex-cadre until his option is changed, at his request.

The revised 'Eligibility List' indicating the position as on 31.12.82 may be updated subsequently in the light of the same principles.

13. It is further directed that further promotion to the posts of Programme Executives subject to vacancies may be made on the basis of the revised All India 'Eligibility List' of Transmission Executives. A special D.P.C. may be convened for the purpose to consider the case of petitioner Shri V.L.N. Rao and other officers similarly placed who would have become entitled to promotion on the basis of the revised 'Eligibility List'. However, no officer who has been already promoted as Programme Executive on the basis of the earlier 'Eligibility List' like Shri Vinod Mehta and Shri M. H. Siddiqui, shall be adversely affected (or) reverted. The special D.P.C. should consider the cases of officers like the petitioner and other similarly placed, entitled to promotion as the result of the revised 'Eligibility List' as if the D.P.C. had met at that time when they became eligible for consideration on the basis of their records of performance which would have been available at that time, and not take into consideration any subsequent material. If the D.P.C. clears them for promotion, they should be given notional promotion retrospectively from the dates their immediate Juniors were promoted as Programme Executives already, and their seniority in the cadre of Programme Executive determined accordingly, and their pay fixed by grant of increments with reference to the notional dates of promotion as programme Executives. They shall, however, not be entitled to arrears of pay or emoluments in the higher post of Programme Executive until they actually assume the charge of posts of Programme Executives.

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Amended
20/12/82

earlier period for which they have not actually
Programme Executives, on the principle of 'no work
y'.

14. In the net result with these directions and observa-
tions in the preceding paragraphs of this judgement, this
petition is partly allowed and respondent directed to
take expeditious action in the matter within three months
of the date of this order.

There is no order as to costs, in the circumstances
of this case.

Sd/-
(K. B. Khare)
Member. (J)

Sd/-
(S.K.S. Chib)
Vice Chairman.

(True Copy

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Sd/-
Deputy Registrar.

Handwritten signature

Attested
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Advocates.

ired on
2.83.

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REVISED ALL INDIA ELIGIBILITY LIST OF
TRANSMISSION EXECUTIVES IN ALL INDIA
RADIO/DOORDARSHAN AS ON 1.1.1982.

ANNEXURE- 4

S.No. Name and date of birth Date of continuous appointment Present posting Remarks

1	2	3	4	5	6
AL-1	1	S/Shri C.L.Reddy	11.2.63	AIR Cuddapah	
WL-1	2	S.N.Talanganji	27.5.63	CBS Chandigarh	
BR-1	3	A.S.Sethumadhavan	28.10.65	CBS Bombay	
J-1	4	A.Gamaram Mangland	18.11.65	AIR Jaipur	
K-1	5	Smt. Kamla Divigi	27.1.66	AIR Dharwar	Retired on 31.X.82
EK-2	6	P.R.Bendigeri	1.1.66	AIR Dharwar	
U-1	7	M.S.Ramanathan	2.6.69	AIR Madras	
P-2	8	Smt. V.S.Krishnamurthy	19.7.69	UDK Hyderabad	
P-1	9	Ram Murti	6.10.69	AIR Almora	
P-2	10	S.R.Kureel	17.9.69	AIR Lucknow	
R-1	11	R.B.Dabhade	12.12.69	AIR Nagpur	
UN-2	12	Om Prakash	5.1.70	AIR Jalandhar	
DEL-1	13	Ram Gopal	6.1.70	UDK Delhi	
NER-2	14	P. Prabhakar	12.1.70	AIR Trichur	
BR-2	15	Smt. S.P.Naik	30.1.70	AIR Bombay	
BR-3	16	K.P. Phadke	2.11.65	AIR Sangli	
J&K-1	17	P.L.Kaul	7.2.70	CBS Srinagar	
AS-1	18	M.N. Goswami	11.3.70	AIR Gokhati	
KER-3	19	E.T.Ramanunmy	22.4.70	AIR Calicut	
HR-4	20	Ashok K.Manna	11.3.70	AIR Meerpur	
DEL-2	21	M.P. Dakshini	22.6.70	AIR Delhi	
AP-3	22	A.P. Jairath	1.7.70	AIR Hyderabad	Retired on 28.2.83.
RAJ-2	23	Prem C.Khanwani	5.8.70	AIR Udaipur	

.....2/-

Attended
W.S.S.
Advocates.

A. Ganesan

1	2	3	4	5
TN-2	24	S/Shri R. Ramachandra	19.8.70	AIR Tiruchirappalli
OR-1	25	S. B. Dash	25.8.70	AIR Jeypore
OR-2	26	R. C. Beriha	1.9.69	AIR Sambalpur
PUN-3	27	S. S. Gobindpuri	26.8.70	AIR Jalandhar
PUN-4	28	Chhote Lal	30.5.70	Radio Kashmir Jammu
KER-4	29	M. Mankaraj	1.9.70	AIR Calicut
KER-5	30	R. V. Potti	1.9.70	AIR Trichar
MEGH-1	31	R. C. Dey	6.9.70	AIR Shillong
WB-1	32	S. K. Mandal	8.9.70	AIR Calcutta
J&K-2	33	J. P. Bhatt	16.9.70	Radio Kashmir Jammu
MEGH-2	34	T. T. Haokip	21.9.70	AIR Tezu
DEL-3	35	Baidh Parkash	24.9.70	CBS Delhi
DEL-4	36	A. C. Anand	16.10.70	AIR Delhi
AS-2	37	Bhagirath Rebha	10.11.70	AIR Gauhati
TN-3	38	R. Krishnan	12.11.70	AIR Tirunelveli
TN-4	39	M. A. Samraj	15.10.70	CBS Madras
TN-5	40	G. Guhanmasivayan	14.10.70	AIR Tirunelveli
MR-5	41	A. S. Govilkar	7.12.70	AIR Pune
KER-6	42	K. Ravindran	21.12.70	AIR Calicut
AP-4	43	B. V. S. Murthy	30.12.70	AIR Vijayawada
RAJ-3	44	N. D. Tulsiani	30.12.70	AIR Jaipur
AP-5	45	B. K. Sastry	11.1.71	AIR Visakhapatnam
HAR-1	46	G. R. Ramal.	18.1.71	AIR Rohtak
AP-6	47	V. S. N. Murthy	22.1.71	AIR Vijayawada
KER-7	48	V. Ramaswamy	5.2.71	AIR Calicut
AP-7	49	S. Bhaskar Rao	5.6.71	AIR Hyderabad
MP-1	50	J. C. Nema	28.6.71	AIR Bhopal
MP-2	51	M. L. Shandilya	5.6.70	AIR Indore

Retire on 30.9

Vol. reti mens on 1.7.

D.O.B. 1.11.4
D.O.B. 3.6.42

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Handwritten signature and date: 10/10/71

	164	S/Shri Susoela Soshadri	13.6.74	CBS Madras
14	165	Smt. K.V. Rama Deva	17.5.74	DDK Madras
UP-11	166	Panna Lal	19.6.74	AIR Rampur
UP-12	167	L.V. Das Kumar	10.6.74	AIR Rampur
DEL-8	168	N.K. Chopra	27.7.74	DDK Delhi
DEL-9	169	K.C. Issac	20.4.74	DDK Delhi
MR-20	170	J.S. Jorvakar	6.08.74	CSU Bombay
GUJ-7	171	K.C. Rana	14.8.74	AIR Bhuj
AS-7	172	Smt. Purnima Biswas	16.8.74	AIR Silchar
MEGH-4	173	N.C. Tunung	14.10.74	AIR Shillong
MEGH-5	174	P.K. Baralik	14.1.74	AIR Shillong
J&K-5	175	S.N. Kaw	22.1.74	Radio Srinagar
OR-6	176	Smt. S. Choudhary	9.12.75	CBS Cuttack
OR-7	177	S.C. Nayak	26.12.75	AIR Cuttack
RAJ-6	178	Smt. V.K. Adrina	12.12.75	AIR Udaipur
RAJ-7	179	Smt. Sheela Modi	22.12.75	AIR Suratgarh
GUJ-8	180	J.V. Mehta	1.1.76	AIR Bhuj
MR-31	181	Smt. Bhandari Heelam	13.1.76	AIR Bombay
RAJ-8	182	Smt. Gulab Kalla	15.1.76	CBS Jaipur
MR-22	183	Smt. J.S. Kuber	16.1.76	AIR Pune
MR-23	184	Smt. Kalpana S. Vohra	31.12.75	DDK Bombay
MR-24	185	P.R. Chaturvedi	17.1.76	AIR Bombay
MR-25	186	H.S. Khanderao (SC)	13.1.76	CBS Bombay
MR-26	187	Km. Chaya Ganguli	20.1.76	CSU Bombay
WB-15	188	Sandip Basu	4.2.76	AIR Calcutta
RAJ-9	189	Jaswant Singh	9.2.76	DDK Jaipur
DEL-10	190	Smt. Pashpa Sharma	21.2.76	ESD Delhi
DEL-11	191	Smt. Gurjeet Kaur	21.1.76	AIR Delhi

Ex-2
 (On-deputation to CMC wef 14.9.87)

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Alam

W.D.S.

1	2	3	4	5
JK-6	192	S/Shri H.L. Kaul	1.3.76	DDK Srinagar
JK-7	193	Ab. Majid	17.2.76	DDK Srinagar
JK-8	194	Ravi Megotra	12.3.76	CBS Srinagar
JK-9	195	Tsering Rigzin	11.2.76	AIR Leh
TN-15	196	G.Vijay Kumar	24.3.76	AIR Madras
UP-13	197	N.C. Joshi	26.3.76	AIR Almera
RAJ-10	198	Smt. Suman Mathur	13.4.76	AIR Jaipur
MEGH-6	199	✓ Dibakar Sen	10.5.76	AIR Shillong ✓
AS-8	200	✓ M.R. Das	10.5.76	AIR Gauhati ✓
GUJ-10	201	K.M. Damor	17.5.76	CBS Ahmedabad
UP-14	202	Satyendra Singh	27.5.76	AIR Lucknow
UP-15	203	K.C. Gupta	26.5.76	AIR Gorakhpur
BIH-8	204	S. Rehman	3.6.76	AIR Patna
BIH-9	205	Joseph Purfi	17.3.76	AIR Ranchi
UP-16	206	Bajrang Tewari	3.6.76	AIR Mathura
MR-27	207	V.V. Randive	10.6.76	AIR Aurangabad
MR-28	208	Sayyed Liyakatali	10.6.76	AIR Jalgaon
MR-29	209	Smt. Deepa Jha	5.1.76	CSU Bombay
MP-14	210	Javed Akhtar	11.6.76	CBS Bhopal
KTK-6	211	H.R. Kamala	11.6.76	AIR Dharwad
MP-15	212	Prabhu Shankar Joshi	21.6.76	AIR Indore
MR-16	213	Anil Kr. Srivastava	21.6.76	AIR Jalgaon
				DOB 12.12.49
				DOB 1.6.52
TN-16	214	Km.R. Senthumizh Selvi (SC)	5.7.76	AIR Tiruchirapalli
TN-17	215	N.C. Ganaprakasam	3.6.76	AIR Madras
TRP-1	216	Anil Ch. Das	7.7.76	AIR Agartala
				DOB 11.7.50
KTK-7	217	R. Bharatdri	7.7.76	AIR Bangalore
				DOB 4.9.53
KTK-8	218	Shobha Srihari	3.7.76	CBS Bangalore
KTK-9	219	V.M. Torgal	3.1.76	AIR Dharwad
MR-2	220	I.M.S. Chauhan	9.7.76	AIR Rohtak

.....9/-

Attached
 W.Das
 1/11/76

		Uma Begum	12.7.76	AIR Madras
		Smt. Pushpa Bhat	5.8.76	AIR Madras
HP-20	223	E. Anandan	14.6.76	AIR Coimbatore
HP-3	224	Gian Chand Sharma	17.7.76	AIR Simla
KTK-10	225	S.S. Belgari	22.7.76	AIR Gulbarga
KTK-11	226	V.M. Jagadeph	20.7.76	AIR Bhadravati
KTK-12	227	G. Rajalakshmi Sreedhar	31.3.76	AIR Bangalore
KTK-13	228	H.V. Ramesh	16.7.76	AIR Mysore
KTK-14	229	M. Nallikarjuna Murthy	27.7.76	AIR Bangalore
KTK-15	230	Shylaja Devaraj	15.7.76	CBS Bangalore
KTK-16	231	Sudha H. Rao	19.7.76	AIR Mangalore
UP-17	232	Rajindor Kumar Gaur	7.8.76	AIR Najibabad
WB-16	233	Franabesh Ghosh	9.8.76	DKK Calcutta
WB-17	234	Debasis Gupta	9.8.76	DKK Calcutta
OR-7	235	S. D. Samol	19.8.76	AIR Sambalpur
UP-18	236	A.K. Dwevedi	7.9.76	DKK Lucknow
UP-19	237	Alok Shukla	16.9.76	DKK Lucknow
OR-8	238	R.B. Nirdha	24.9.76	AIR
OR-9		A.K. Mohanty	15.4.76	DKK Cuttack
OR-10	240	A.C. Das	19.8.76	AIR Cuttack
TN-21	241	R. Chinnaswamy (SC)	30.9.76	AIR Tiruchirapalli
TN-22	242	S.H. Subramniam	15.6.76	AIR Madras
TN-23	243	B. Arumugam	18.9.76	DKK Madras
TN-24	244	S. Santhanakrishnan	4.9.76	DKK Madras
JK-10	245	Stenzin Wangchok	20.9.76	AIR Leh
JK-11	246	O.K. Ambradar	18.9.76	CBS Srinagar
MR-30	247	Km. N.S. Shirodkar	1.10.76	CSJ Bombay
MR-31	248	M. Hanthuda Bhimappa	14.10.76	AIR Hyderabad

.....10/-

Allen

Attested
[Signature]
Advocate.

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- 38 -

1	2	3	4	5
TN-25	249	S/Shri N. Subramaniam	23.10.76	DDK Madras
TN-26	250	Kamaluddin	11.10.76	AIR Thiruchirapalli
GUJ-9	Smt.	Arila Shah	28.10.76	CBS Ahmedabad
AP-16	252	M. Sudhekar Rao	28.10.76	AIR Hyderabad
TN-28	253	Smt. Geetha Gopal Krishnan	1.11.76	AIR Madras
TN-28	254	U. Raghupathy	8.10.76	AIR Madras
TN-29	255	V.S. Narayanam	1.11.76	CBS Madras
PUN-9	256	Smt. Rashmi Khurana	15.11.76	AIR Jullundur
PUN-10	257	Kaushal Kumar	1.11.76	DDK Jullundur
AP-17	258	K.B.J. Vidyalankar	25.11.76	CBS Hyderabad
WB-18	259	D.N. Debnath	27.11.76	AIR Calcutta
MR-31	260	A.B. Deshmukh	30.11.76	AIR Bombay
MR-32	261	K.S. Khobragade (SC)	6.10.76	AIR Nagpur
DEL-12	262	Kultar Singh	9.11.76	ESD Delhi
DEL-13	263	Smt. Saroj Sharma	30.10.76	CBS Delhi
OR-11	264	Smt. B. Bose	13.11.76	AIR Cuttack
BIH-10	265	Smt. S. Late Pursh	29.11.76	AIR Patna
MR-33	266	Smt. Mathura K. Maddebhai	7.12.76	CBS Bombay
MR-34	267	A.M. Rikhal (SC)	5.10.76	CBS Bombay
MR-35	268	Smt. P.V. Deostale	20.10.76	CSU Bombay
MR-36	269	Km. A.M. Meghran (SC)	1.1.77	AIR Pune
MR-37	270	Rajjah Umar	3.12.76	AIR Ratnagiri
MR-38	271	S.J. Shirsat (SC)	1.11.76	AIR Ratnagiri
MR-39	272	D.K. Pimpalghare (ST)	23.11.76	AIR Ratnagiri
AN-2	273	Sabir Hussan	16.12.76	AIR Port Blair
MP-17	274	Smt. Geeta Markam (ST)	21.12.76	AIR Jagdalpur
MP-18	275	Garjan Singh Wardede (ST)	20.12.76	AIR Jabalpur

.....11/-

M. A. B.
 Advocate.

ANNEXURE - 5

DM

21/10

91

① Shri M. N. Das may put up Education only,
Government of India
Directorate General : All India Radio

File
319

② Shri D. J. Pathak may put up Education to
No. 4(8)87-SI(B) SSC on 2/9/87

New Delhi,
Dt. August 28, 1987.

ORDER No. 79/87-SI (B)

27/9/87

177
4/9/87

The Director General, All India Radio, hereby appoints the Transmission Executives, whose names appear in Annexure I to officiate as Programme Executives at the All India Radio Stations/Offices mentioned against each and in Doordarshan in a temporary capacity. These appointments are being made on the recommendations of a Special Departmental Promotion Committee convened on the 25th and 26th August, 1987, in pursuance of the judgement dt. 5.3.1987 delivered by the Central Administrative Tribunal Bench, Jabalpur, in case No. TA/104/86. Since the Recruitment Rules provide promotions on the basis of merit, the recommendations of the Special D.P.C. are based on consideration of merit. In terms of the said judgement, these persons shall be deemed to have been promoted with effect from 18.4.1983, the date on which their junior started officiating as Programme Executive. They will be on probation for a period of two years with effect from the date they take over charge as PEX at the Stations/Offices mentioned against each. Annual Probation Reports on their work and conduct in the prescribed form may be forwarded to this Directorate or Doordarshan Directorate, as the case may be, in accordance with the instructions issued from time to time.

2. Notionally, their pay will be fixed as on 18.4.1983 in the pay-scale of PEX under FR 22C and annual increments allowed in the same scale from that date to the date of their actual taking over as PEX at the places mentioned against each in Annexure I. However, they will not be entitled to draw any arrears of pay and allowances for the period from 18.4.1983 to the date of their actual taking over charge as PEX on the principle of 'no work; no pay', and from the latter date only they will start drawing the pay and increments notionally fixed and allowed, as also allowances admissible thereon from time to time.

3. The promotion and fixation of pay on notional basis with effect from 18.4.1983 shall become effective only after the persons mentioned in Annexure I take over at the Stations/Offices indicated against each.

4. The appointments and the seniority mentioned in Annexure I are provisional and are subject to any changes which may be required to be made in the All India Eligibility List, circulated vide this Directorate's O.M. No. 4(8)87-SI(B) dated 13.8.1987 and dt. 20.8.1987, as a result of representations/objections received, if any, or any other administrative

contd.2.

[Handwritten signature]

Attorney
Advocate

SP

constraints.

5. A Hindi version follows.

I. L. Bhatia

(I.L. BHATIA)

Deputy Director of Administration (WL)
for Director General

Encl. Annexure I

Copy along with Annexure I forwarded to:-

1. All Heads of Offices of AIR/Doordarshan.
2. Pay & Accounts Officer (IRLA), Ministry of Information and Broadcasting, AG CR Building, New Delhi, with 120 spare copies.
3. DEG (C)/DDG (I)/DDG (PP&D)/EDG (A)/Dir (A&F)/DP (Pol)/DP (Per)/D STI (P)/DDA (WL)/DDA (P).
4. Vig. Section/B&A Section, DG AIR.
5. The President, Programme Staff Association, Room No.128, Akashvani Bhavan, New Delhi.
6. Personal Files of the officers concerned.
7. DG Doordarshan (Shri A.K. Bhatta, DDG (P&T) in consultation with whom the postings in Doordarshan have been done), Mandi House, New Delhi, with 20 spare copies, for information.
8. US(BA), Min. of I & B, Shastri Bhavan, New Delhi.
9. SD AIR Bhopal/Jabalpur with the request that a copy of this order may kindly be submitted to the Central Administrative Tribunal Bench, Jabalpur, through the concerned Government Counsel for their information. Two spare copies of the orders are enclosed for this purpose.
10. PS to DG for information.
11. Guard File.
12. 50 spare copies.

I. L. Bhatia

for Director General

*Attorney
WAS
Advocate*

Names of Transmission Executives appointed to officiate in the cadre of Programme Executive on provisional basis vide Order No.79/87-SI(B), dated 28.8.87

Sl. No.	Name of Transmission Executive	Present Posting.	Posting on Promotion
1.	Shri A.S. Sethumadhavan	CBS, AIR, Bombay	AIR, Trivandrum
2.	" Atmaram Manglani	AIR, Jaipur	ESD, AIR, New Delhi
3.	" P.R. Bendigeri	AIR, Dharwad	AIR, Gulbarga
4.	" M.S. Ramanathan	AIR, Madras	AIR, Tiruchi
5.	" Ran Murti	AIR, Almora	CBS, AIR, Kanpur
6.	" R.B. Dabhade	AIR, Nagpur	AIR, Poona
7.	" Om Parkash	AIR, Jalandhar	AIR, Shimla
8.	" Ram Gopal	UDK, New Delhi	DDK, Jaipur
9.	Smt. S.P. Naik	AIR, Bombay	DDK, Bombay
10.	Shri K.P. Phadke	AIR, Sangli	AIR, Sangli
11.	" P.L. Kaul	CBS, Radio Kashmir, Srinagar	Radio Kashmir, Srinagar
12.	" M.N. Goswami	AIR, Guwahati	AIR, Dibrugarh
13.	" E.T. Ramanunni	AIR, Calicut	AIR, Trivandrum
14.	" Ashok K. Manna	AIR, Nagpur	T&PES, AIR, New Delhi.
15.	" M.P. Dakshini	AIR, New Delhi	AIR, New Delhi
16.	" R. Ramachandran	AIR, Tiruchi	AIR, Pondicherry
17.	" S.B. Dash	AIR, Jeypore	AIR, Sambalpur
18.	" S.S. Govindpuri	AIR, Jalandhar	DDK, Jalandhar
19.	" M. Bhaskaran	AIR, Calicut	AIR, Trivandrum
20.	" R.V. Potti	AIR, Trichur	AIR, Calicut
21.	" S.K. Mandal	AIR, Calcutta	AIR, Siliguri
22.	" J.P. Bhatt	Radio Kashmir, Jammu	Radio Kashmir Srinagar
23.	" Budh Parkash	CBS, AIR, New Delhi	AIR, Rohtak
24.	" G. Guhanamasivayam	AIR, Tirunelveli	AIR, Madras
25.	" A.S. Govilkar	AIR, Poona	AIR, Panaji
26.	" K. Ravindran	AIR, Calicut	AIR, Trichur
27.	" B.V.S. Murthy	AIR, Vijayawada	AIR, Visakhapatnam

Contd.2/-

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Attested
W.S.S.
Advocate

28.	Shri N.D. Tulsiani	AIR, Jaipur	AIR, Ahmedab
29.	" B.K. Sastry	AIR, Visakhapatnam	AIR, Hyderabad
30.	" G.R. Ramal	AIR, Rohtak	AIR, Jalandhar
31.	" V.S.N. Murthy	AIR, Vijayawada	DDK, Hyderabad
32.	" V. Ramaswamy	AIR, Calicut	AIR, Pondicherry
33.	" S. Bhaskara Rao	AIR, Hyderabad	AIR, Cuddapah
34.	" J.C. Nema	AIR, Bhopal	AIR, Ambikapur
35.	" M.L. Shandilya	AIR, Indore	AIR, Mathura
36.	" M.A. Aziz	CBS, Bangalore	AIR, Mysore
37.	" C.P. Patil	AIR, Bombay	AIR, Ratnagiri
38.	" S.N. Sonavane	AIR, Bombay	AIR, Nagpur
39.	" P.N. Raina	DDK, Srinagar	DDK, Srinagar
40.	" G. Sanpath	AIR, Tiruchi	AIR, Tirunelveli
41.	Smt. Padmini Madhavan	AIR, Calicut	AIR, Trivandrum
42.	Shri T. Hanumantha Rao	AIR, Cuddapah	AIR, Hyderabad
43.	" U.S. Gupta	AIR, Gorakhpur	AIR, Agra
44.	" Jagdish Lal	DDK, Lucknow	DDK, Lucknow
45.	Smt. Yanki Lamu	AIR, Kurseong	AIR, Gangtok
46.	Shri S.B. Debnath	AIR, Siliguri	AIR, Shillong ✓
47.	" M.K. Saha	AIR, Siliguri	DDK, Calcutta
48.	" D.N. Roy	DDK, Calcutta	DDK, Calcutta
49.	" M.K. Sen	CBS, Calcutta	AIR, Shillong ✓
50.	" R. Dey Sarkar	DDK, Calcutta	DDK, Calcutta
51.	" P.C. Sen	AIR, Calcutta	AIR, Kurseong
52.	" A.K. De	AIR, Indore	AIR, Calcutta
53.	" V.L.N. Rao	AIR, Jagdalpur	AIR, Hyderabad
54.	" T. Arunachalam	CBS, Calicut	DDK, Trivandrum
55.	" A.B. Pandey	AIR, Ranchi	DDK, Ranchi
56.	" M.P. Mahato	AIR, Ranchi	AIR, Suratgarh
57.	" S.G. Jain	AIR, Bhopal	AIR, Ambikapur
58.	" S.S. Sharma	AIR, Indore	AIR, Suratgarh
59.	" R.L. Singh	AIR, Jabalpur	AIR, Jaipur
60.	" R.K. Malakar	CBS, Kanpur	AIR, Calcutta
61.	" C.B. Madavi	AIR, Nagpur	VBS, AIR, Bombay
62.	Smt. V. Narayanan	CSJ, AIR, Bombay	AIR, Poona

(I.L. BHATIA)

Contd.....3/-

Attested
Advocate.

65.	"	Tri C.W. Pathak	AIR, Jalgaon	AIR, Nagpur
66.	"	A.V. Subha Rao	AIR, Aurangabad	AIR, Vijayawada
67.	"	Dhanjay Tewari	CBS, Kanpur	AIR, Agfa
68.	"	H.D. Bhargava	CBS, AIR, Jaipur	AIR, Rewa
69.	"	Mohd. Jamil Khan	AIR, Jabalpur	AIR, Chhatarpur
70.	"	G. Prasad	AIR, Ranchi	AIR, Suratgarh
71.	"	J.A. Arulraj	DDK, Madras	DDK, Madras
72.	"	S. Poornachandra Rao	CBS, AIR, Madras	AIR, Nagercoil
73.	"	G.R. Vittal Rao	AIR, Hyderabad	AIR, Cuddapah
74.	"	R.K. Unnikrishnan Nair	AIR, Trivandrum	DDK, Trivandrum
75.	"	K.V. John	AIR, Trichur	AIR, Trichur
76.	"	S.N. Kapur	DDK, Jalandhar	DDK, Jalandhar
77.	✓	M.L. Baruah	AIR, Guwahati	AIR, Dibrugarh
78.	✓	R.C. Das	AIR, Silchar	AIR, Shillong ✓
79.	"	B.N. Nandanwar	AIR, Jalgaon	AIR, Nagpur
80.	"	Lallu Prasad	AIR, Patna	DDK, Muzaffarpur
81.	"	R.D. Chaudhry	CBS, AIR, Patna	AIR, Ranchi
82.	"	Ramashish Prasad	AIR, Patna	AIR, Almora
83.	"	Rajendra Nath	AIR, Rewa	AIR, Shimla
84.	"	Ch. Koteswara Rao	AIR, Port Blair	AIR, Madras
85.	"	K.S. Murthy	AIR, Madras	AIR, Tiruchi
86.	"	A.C. Ray	AIR, Siliguri	AIR, Calcutta
87.	"	C. Panda	AIR, Sambalpur	AIR, Jeypore
88.	✓	S.K. Sadhu	DDK, Srinagar	DDK, Srinagar
89.	✓	Th. Leibakacha Singh	AIR, Imphal	AIR, Shillong ✓
90.	✓	S. Pishak Singh	AIR, Imphal	AIR, Imphal
91.	"	K.A. Ramaraju	AIR, Visakhapatnam	AIR, Cuddapah
92.	"	G. Madhava Warrier	AIR, Trivandrum	AIR, Trichur
93.	"	K.S.S. Raghavan	AIR, Madras	AIR, Pondicherry
94.	"	L.C. Chauhan	AIR, Ahmedabad	AIR, Bhuji
95.	"	S.M. Raniga	AIR, Rajkot	AIR, Ahmedabad
96.	"	K.H. Jadav	AIR, Ahmedabad	DDK, Ahmedabad
97.	"	N. Bhadra	AIR, Gorakhpur	AIR, Patna
98.	"	M.L. Singh	AIR, Lucknow	AIR, Patna

Contd.....4/-

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Handwritten text: Advocate

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		AIR, Varanasi	AIR, Gorakhpur
		AIR, Lucknow	AIR, Almora
	al	AIR, Dharwad	AIR, Hyderabad
	Syed	AIR, Ambikapur	AIR, Jabalpur
1	amil Minj	AIR, Rajkot	AIR, Ahmedabad
101.	B.G. Patel	AIR, Jodhpur	AIR, Bikaner
102.	" P.P. Mathur	CBS, AIR, Calcutta	AIR, Agartala
103.	" B.C. Chatterjee	AIR, Tiruchi	AIR, Tirunelveli
104.	" N. Ganesan	CBS, Trivandrum	AIR, Calicut
105.	" P..Sivarandan Pillai	AIR, Imphal	DDK, Guwahati ✓
106.	✓ Kh. Khelendra Singh	CBS, Chandigarh	CBS, Chandigarh
107.	" S.N. Talagangi	UDK, Bikanerabad	UDK, Hyderabad
108.	Smt. V.S. Krishnamurthy	AIR, Lucknow	AIR, Gorakhpur
109.	Shri S.R. Kureel	AIR, Teichur	AIR, Mangalore
110.	" P. Prabhakar	CBS, AIR, Jaipur	DDK Jaipur
111.	" Prem C. Kherwani	AIR, Sambalpur	AIR, Shillong ✓
112.	" R.C. Baraha	AIR, Shillong	DDK, Guwahati ✓
113.	" E.C. Dey	AIR, Tezu	AIR, Tawang
114.	✓ T.T. Haakip	AIR, Guwahati	AIR, Dibrugarh
115.	✓ Bhagirath Raha	AIR, Tirunelveli	AIR, Pondicherry
116.	" R. Krishnaoan	CBS, Madras	AIR, Tirunelveli
117.	" M.A. Samraj		

(I.I. BHATIA)

Attested
V.S. Das
Advocate

TO BE PUBLISHED IN PART III SECTION I OF THE GAZETTE OF INDIA)

GOVERNMENT OF INDIA
DIRECTORATE GENERAL ALL INDIA RADIO

New Delhi, the 21st April '89

NOTIFICATION

No. 4(2)89-SI(B): The Director General, All India Radio hereby appoints the following Transmission Executives as Programme Executives on notional basis with effect from 18-4-1989 in terms of Directorate General All India Radio's order No. 137/88-SI(B) dated 23-11-1988 in file No. 4(245)88-SI(B) in a temporary capacity until further orders:-

Serial Number	Name of the Programme Executive	place of Posting	Date of Joining
1.	S/Sh. S.N. Kaw	Radio Kashmir, Srinagar	7-12-1988
2.	A.P. Kadam	AIR, Bangalore	16-12-1988
3.	Balbir Singh	AIR, Jalandhar	1-12-1988
4.	H.D. Bhalerao	AIR, Bombay	15-12-1988
5.	B.L. Mahinkar	AIR, Jalgaon	13-12-1988
6.	S.Y. Gadkar	AIR, Ratnagiri	16-12-1988
7.	S.K. Thool	AIR, Ratnagiri	16-12-1988
8.	L.Vyas Kumar	AIR, Hyderabad	30-12-1988
9.	S.V. Prasad	AIR, Hyderabad	30-12-1988
10.	Smt. Sheela Hol	AIR, Kota	28-12-1988
11.	S/Sh. K. Nagabhushanan	AIR, Mangalore	3-01-1989
12.	N.C. Tummang	AIR, Port Blair	20-12-1988
13.	N.K. Roy	AIR, Silchar	26-12-1988
14.	M.S. Ushya	AIR, Chhatarpur	26-12-1988
15.	S.S. Jorwekar	AIR, Pune	6-12-1988
16.	N.G. Mulgund	AIR, Mysore	2-01-1989
17.	Ch. Chalapati Rao	AIR, Ranchi	19-12-1988
18.	S.C. Das	CBS, AIR, Cuttack	2-1-1989
19.	P.N. Vijay Chandran	AIR, Bombay	27-12-1988
20.	Smt. E. Nongrum	AIR, Gauhati	8-12-1988
21.	Smt. Purnima Biswas	AIR, Gauhati	31-12-1988
22.	Sh. P.S. Negi	AIR, Rampur	13-01-1989
23.	Sh. B.N. Goswami	AIR, Raipur	02-01-1989
24.	Sh. Panna Lal	AIR, Varanasi	30-12-1988
25.	Sh. D.C. Rabha	AIR, Shillong	04-01-1989
26.	Sh. M.C. Kachari	AIR, Tura	19-12-1988
27.	Sh. R.Y. Ipte	AIR, Sangli	28-02-1989

2. The above persons have taken over as Programme Executive, w.e.f. the dates mentioned against each at AIR, stations given against each.

.....2/-

Attested
[Signature]
Advocate.

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3. The revised and pre-revised pay scales of Programme Executive are Rs. 2000-60-2300-EB-75-3200-100-3500 and Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 respectively.

4. This supercedes this Directorate's notifications No. 4(2)/89-SI(B) dated 13/14.2.89, No. 4(30)/89-SI(B) dated 10.3.89 No. 4(31)/89-SI(B) dated 10.3.89 and 30.3.89 and No. 4(33)/89-SI(B) dated 23.3.89.

(I.L. BHATIA)

Deputy Director of Administration
for Director General

To

The Manager,
Govt. of India Press,
Faridabad

(HINDI VERSION)

Copy forwarded to:-

1. Station Director; Radio Kashmir, Srinagar/Bangalore/Jalandhar/Bombay/Jalgaon/Ratnagiri/Hyderabad/Kota/Mangalore/Port Blair/Silchar/Chhatarpur/Pune/Mysore/Ranchi/CBS, Cuttack/Guwahati/Rampur/Raipur/Varanasi/Shillong/Tura/Sangli.
 2. The Pay & Accounts Officer (HLL), Ministry of I&B, ACCR Building, I.P. Estate, New Delhi. Their CTCs were already sent to him by the respective stations.
 3. The Pay & Accounts Office, AIR Bombay/Calcutta/New Delhi/Madras / Lucknow.
 4. All the persons concerned through respective stations.
 5. DSFI(P).
 6. The President (Sh. J.L. Datta, Dy. Dir.), AIR Programme Staff Association, Broadcasting House, I Floor, ESD, AIR, New Delhi.
 7. Vigilance Section, /Computer Cell, DG: AIR, New Delhi.
 8. Personal files of the Officers concerned.
 9. SI(A) Section.
 10. Guard file
- Spare copies - 20.

(I.L. BHATIA)
for Director General

NAAS

GOVERNMENT OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO

4(89)/89-SI(B)

New Delhi, the 27th Oct. '89.

ORDER No.116/89-SI(B)

The Director General, All India Radio, hereby appoints the Transmission Executives given in Annexure on promotion to the cadre of Programme Executive, in a temporary capacity in the pay scale of Rs.2000-60-2300-EB-75-3200-100-3500 with effect from the date they take over at Stations of their posting indicated in the Annexure, against the specific quota of vacancies meant for them under the provisions of the Recruitment Rules for the post of Programme Executive as amended on 23-10-1984.

2. All the persons indicated in Annexure will be on probation for a period of two years with effect from the date they take over charge as Programme Executive at the Station/office mentioned against each in the Annexure.

3. All the persons mentioned in the Annexure except those posted in Doordarshan may be relieved of their duties immediately with instructions to report for duty at their respective Station/Office of posting. In the case of those posted in Doordarshan, a separate order from the Directorate General, Doordarshan, will be issued specifying their places of posting. Only on receipt of such an order, they will be relieved of their duties. Copies of relieving orders may be sent to this Directorate/Doordarshan Directorate.

4. On their joining duty as Programme Executive, their Bio-data in the prescribed proforma already available with the Stations and the charge assumption reports may be sent to this Directorate/Doordarshan Directorate, for further necessary action.

5. Annual Probation Report on their work and conduct in the prescribed proforma may be sent to this Directorate or to Doordarshan Directorate, as the case may be, as provided in the instructions issued from time to time in this behalf.

6. Hindi version follows.

(I.L. BHATIA)

Dy. Director of Administration
for Director General.

Encl./Annexure.

Copy along with Annexure forwarded to :-
All Heads of Stations of AIR/Doordarshan.

P.T.O.

Attested
Advocate.

2. Pay & Accounts Officer (IRLA), Ministry of Information & Broadcasting, GCR Building, New Delhi with 5 spare copies.
3. DDG(C)/DDG(I)/DDG(PP&D)/DDG(A)/DDG(E)/Director(A&F)/DP(FI)/PO(P)/DP(MR)/DP(Per)/DP(Dev)/DP(C)/D SII(P)/DDA(WL)/DDA(F).
4. Vigilance Section, DG, AIR.
5. S-VII Section with the request to transfer the personal files of the officers concerned to SI(B) Section immediately.
6. The President, Programme Staff Association, 1st Floor, Broadcasting House, New Delhi (by name Shri J.L. Batra, DD, ESD).
7. Personal Files of the Officers concerned.
8. DG Doordarshan (Shri K.C. Seth, DDA) with 10 spare copies. They are requested to issue a separate order specifying the places of posting of the persons posted in Doordarshan and endorse copies to this Directorate and the Heads of Stations/offices where these persons are presently working.
9. US(B), Ministry of I&B, Sansad Bhavan, New Delhi.
10. PS to DG for information.
11. Guard File.
12. 100 spare copies.
13. Pay & Accounts Office, AIR, New Delhi/Bombay/Calcutta/Madras/Lucknow.

(R) - (C) for Director General.

MAILED

(32) - 49 - 67

Annexure to Order No.
116/89 dated 27.10.89.

of Transmission Executives in AIR/Doordarshan selected
promotion to the cadre of Programme Executives

No.	Name	Present Posting	Posting on promotion
1.	S/Shri Janki Prasad	AIR Bhagalpur	AIR Darbhanga
2.	P.D. Gupta	AIR Allahabad	AIR Agra
3.	R.A. Verma	AIR Jagdalpur	AIR Raipur
4.	Smt. Kavita Chaturvedi	AIR Bhopal	AIR Gwalior
5.	J.V. Mehta	AIR Dhuw	AIR Bombay
6.	Smt. Neelam Dhandari	AIR Bombay	AIR Raipur
7.	" Gulab Calla	AIR Jaipur	AIR Jodhpur
8.	" J.S. Kuber	AIR Pune	AIR Jalgaon
9.	" Kalpana S. Vohra	DDK Bombay	<u>Doordarshan</u>
10.	P.K. Chaturvedi	AIR Bombay	AIR Gwalior
11.	H.S. Khanderao	CPS Bombay	AIR Beed
12.	Sandip Basu	AIR Calcutta	AIR Agartala
13.	Jaswant Singh	DDK Jaipur	<u>Doordarshan</u>
14.	Kum Pushpa Sharma	DDK Delhi	AIR Varanasi
15.	H.L. Kaul	DD Commercial Service, Delhi	<u>Doordarshan</u>
16.	Abdul Hajid Khan	DDK Delhi	<u>Doordarshan</u>
17.	Ravi Magotra	R.K. Jammu	AIR Leh
18.	Tsewan Rigzin	AIR Leh	AIR Leh
19.	N.C. Joshi	AIR Almora	AIR Varanasi
20.	Smt. Suman Mathur	AIR Jaipur	AIR Jodhpur
21.	Dibakar Sen	AIR Shillong	AIR Tezu
22.	Manoranjan Das	AIR Gauhati	AIR Tawang

(I.L. Bhatia)
Deputy Director of Administration (P)

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Sl. No.	Name	Present Posting	Posting on promotion
23.	S/Sri Satyendra Singh	AIR Lucknow	AIR Port Blair
24.	K.C. Gupta	AIR Gorakhpur	AIR Lucknow
25.	S. Rehman	AIR Patna	AIR Darbhanga
26.	Joseph Purti	AIR Ranchi	AIR Ambikapur
27.	V.V. Ravidva	AIR Aurangabad	AIR Pune
28.	Sat. Deepa Jha	CSO Bombay	AIR Jabalpur
29.	Javed Akhtar	CBS Bhopal	AIR Ambikapur
30.	Prabhu Shankar Joshi	AIR Indore	AIR Gorakhpur
31.	Kum. R.S. Selvi	AIR Tiruchi	AIR Tirunelveli
32.	H.C. Ganaprakasam	AIR Madras	AIR Tiruchi
33.	A.C. Das	AIR Agartala	AIR Murshidabad
34.	Sat. Shobha Srihari	CBS Bangalore	AIR Gulbarga
35.	I.M.S. Chauhan	AIR Rohtak	AIR Suratgarh
241 36.	R. Chinnaswamy (SC)	AIR Tiruchi	AIR Tirunelveli
37.	K.M. Damor	CBS Ahmedabad	AIR Bhuj
261 38.	K.S. Khobargade (SC)	AIR Nagpur	AIR Rajkot
267 39.	Ashok M. Itikar (ST)	CBS Bombay	AIR Chhatarpur
207 40.	Kum. L.M. Meshram (SC)	AIR Pune	AIR Ahmednagar

(I.I. Bhatia)
Deputy Director of Administration (P)

Attested
V. Das,
Advocate.

Original Application No. 263 of 1992

Date of decision : This the 7th day of December, 1995.

The Hon'ble Justice Shri H.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanghvi, Member (A).

1. Shri Manoranjan Das
Programme Executive,
All India Radio,
Guwahati-781003.

2. Shri Dibakar Sen,
Programme Executive,
All India Radio,
Guwahati-781003

.... Applicants

By Advocate Mr. B.K. Sharma.

-versus-

1. The Union of India,
represented by the Secretary,
Ministry of Information and Broadcasting
New Delhi - 110 001.

2. The Director General,
All India Radio,
Akashvani Bhawan,
Parliament Street,
New Delhi-110 001

3. Shri M.D. Samel,
Programme Executive,
All India Radio, Cuttack,
Ori ss.

.... Respondents

By Advocate Mr. S. Ali, S. C.G.S.C.

ORDER

CHAUDHARI J (V.C.).

Although the applicants were serving as Programme Executives at the All India Radio, Guwahati they had joined the post of Transmission Executive as Direct Recruits on 10.5.1976. They aver that the respondent No. 3

..... M. D. Samel

Attested
Advocate.

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M.D.Samel was promoted on adhoc basis to the post of Transmission Executive on 19.8.1976 and was regularized with effect from 25.11.1976.

2. Under the recruitment rules an All India list of Transmission Executives was to be drawn in respect of 25% departmental promotion quota. The department of Personnel recommended that such list should be prepared in respect of those who were appointed/promoted after the recruitment rules were applied on the basis of length of continuous service in that grade. Thus the date of appointment became crucial. All India eligibility list of Transmission Executives as on 31.12.1981 was published on 21.6.1982. The name of respondent No. 3 appeared at serial No. 11 in that list. The name of the applicant No. 1 was shown at serial No. 117 and applicant No. 2 at serial No. 125. The applicants contend that their seniority was wrongly fixed so as to make them junior to respondent No. 3 who admittedly was appointed initially on adhoc basis to the grade on 19.8.1976 i.e after they were appointed earlier on 10.5.1976. According to the applicants they also noticed several anomalies and errors having crept in the aforesaid seniority list. A large number of objections and representations were filed by the Transmission Executives including the applicants. Thereafter a revised seniority list as on 1.1.1982 was published. In that list whereas the applicant No. 1 was at serial No. 203 and applicant No. 2 at serial No. 202 the name of respondent No. 3 did not figure.

3. In the meantime a meeting of the Departmental Promotion Committee was held to consider promotion of Transmission Executives to the post of

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Programme Executive on the basis of 1981 eligibility list. Respondent No. 3 was considered and promoted on that basis but the applicants were not promoted. It is the grievance of the applicants that by following the 1981 list the respondents had deprived them of the benefit of promotion while giving the benefit to respondent No. 3. Again several representations and objections were filed by aggrieved Transmission Executives all over the country.

The applicants at that stage filed the instant O.A. in August 1992. They pray that they be declared entitled to promotion to the cadre of Programme Executive with effect from 18.4.1981 on which date their juniors particularly respondent No. 3 were promoted and seek proper fixation of seniority. They further pray for a direction to the respondents to give retrospective promotion to them with effect from 18.4.1983 as Programme Executives.

4. It is stated that prior to the presentation of the instant application one V.L.N. Rao a Transmission Executive had challenged the 1981 list and the promotions made on its basis in T.A. No. 104/86, which was decided by the Jabalpur Bench of the Central Administrative Tribunal and an order was passed directing the respondents from holding any DPC based on that eligibility list. In view of that order no DPC for promotion to the grade of Programme Executive was held between 1983-87. Eventually by order dated 5.3.1987 passed by the Jabalpur Bench the eligibility list of 1981 was quashed and the respondents were directed to prepare a revised list in accordance with the principles indicated in the judgement. Consequently the list as on 1.1.1982 was published and circulated on 2.8.1988. In this list the applicants appear at serial Nos. 200 and 199 respectively and respondent No. 3 appears

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at serial No. 235. A special Meeting of DPC was convened on 25/26.8.1987 and a total number of Transmission Executives were promoted as Programme Executives by order dated 28.8.1987 giving them the benefit of promotion retrospectively with effect from 18.4.1983. The applicants were not included in the select list as no vacancies were left. However having regard to the number of promotions made the applicants were expecting that they would be promoted as soon as further vacancies would arise.

5. In the month of November, 1988 some more Transmission Executives were promoted to the grade of Programme Executives vide Notification dated 21.4.1989. Those persons have been given retrospective benefit of the promotion with effect from 18.4.1983. Subsequently on 27.10.1989 the applicants have been promoted to the posts of Programme Executive but without giving them retrospective benefit. The grievance of the applicants therefore is that whereas some juniors including respondent No.3 got benefit of promotion with effect from 18.4.1983 they have been given the promotion with effect from a much later date i.e.27.10.1989. That places them below their juniors including respondent No. 3. That action of the respondents is erroneous and is required to be set aside.

6. The applicants contend that the principle laid down by the Jabalpur Bench in its judgement (Supra) be followed and accordingly they be given notional promotion retrospectively from the date their immediate juniors were promoted and such date would be 18.4.1983. They also contend that rectification of their seniority is necessary for entitling them to be considered for next promotion to the post of Assistant Station Director.

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7. A common written statement has been filed by all the three respondents. From the written statement it appears that the respondent No. 3 was actually appointed as Transmission Executive on adhoc basis with effect from 21.9.1970 and was regularised on 19.8.1976. The respondents contend that they have taken into account the entire length of his service from 2.9.1970 in the revised seniority eligibility list in the light of the decision of the Jabalpur Bench and therefore the contention of the applicants that respondent No. 3 is junior to them is incorrect. It is stated that the final seniority list was circulated on 16.9.1988 and a corrigendum was issued on 15.11.1988 and the respondent No. 3 was assigned his position taking into account his adhoc service.

8. Mr. B.K.Sharma the learned counsel for the applicants submitted that the respondents have acted illegally in counting the period of adhoc service of respondent No. 3 which has rendered the applicants junior to him and the service of the said respondent should have been counted only from the date of his regularisation.

9. Now, the Office Memorandum dated 23.6.1987 Annexure-3 issued in pursuance of the judgement of the Jabalpur Bench of the Central Administrative Tribunal laid down the principles to be followed in drawing the eligibility list of Transmission Executives for the purpose of promotion to the grade of Programme Executive. Clause III (1) provides that the list will consist of Transmission Executives promoted/recruited on regular basis and their names will be arranged according to the

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dates of continuous officiation i.e. the date they have started officiating even as adhoc Transmission Executive provided such officiation was unbroken uninterrupted. In our view the use of the words "Recruit on Regular Basis" and at the same time prescribing the date of officiation even if on adhoc basis, for counting the length of service is not clear nor does it appear rational.

10. The revised seniority eligibility list as on 1.1.1982 shows the date of continuous appointed of the respondent No. 3 as Transmission Executive as 19.8.1976. The date of both the applicants is shown as 10.5.1976. In the representation dated 30.4.1991 the first applicant had brought to the notice of the Director General of All India Radio that there was a anomaly in the eligibility list dated 10.8.1989 wherein respondent No. 3 (M.D. Samel) was shown senior to him and that was required to be rectified and his own promotion was required to be made retrospective with effect from 18.4.1983. By Memorandum dated 23/26.8.1988 issued by the Directorate he was intimated by the Station Director, Shillong that the eligibility list of Transmission Executives was circulated on 2.8.1988 and that the name of the applicant appears at serial No. 199 and a DPC will be held after objections were examined and the eligibility list was finalised. Thus the objection raised by the applicant No. 1 was not decided.

11. As stated earlier it is difficult to know as on what basis and under what rule the benefit of adhoc period of service prior to 1976 was given to respondent No. 3. The respondents also have not explained as to precisely on what ground the corrigendum dated 15.11.1988

Attested
V. S. Adv.
Advocate.

specifying the date of adhoc appointment of respondent No. 3 as 21.9.1970 was issued. It has also not been shown by the respondents that as on 21.9.1970 the said respondent was eligible to be promoted to the post of Transmission Executive after fulfilling the prescribed eligibility criteria under the recruitment rules. Unless that ^{requirement} recruitment was fulfilled the length of adhoc service could not be counted. In any event when the applicants were admittedly senior to the respondent No. 3 by reference to the dates of their respective regular appointments to the grade of Transmission Executive it was necessary for the respondents to explain the above aspects. Merely therefore extending the benefit of adhoc service would not be sufficient. (From paragraph 9 of the written statement it appears to be suggested that after the recruitment rules came into force in 1975 it was noticed by the DPC held in various zones that in some of the zones sufficient number of vacancies in the departmental promotion quota were available to absorb all the adhoc appointees and therefore it was decided to allocate surplus adhoc appointees who could not be absorbed in the respective zones of their choice where the vacancies were available and that such a decision was taken because otherwise the adhoc appointees would have been reverted or may have had to be retrenched. This policy was therefore adopted with a view to protect the adhoc appointees. Possibly respondent No. 3 is being given the date of adhoc promotion in the year 1970 by reason of that policy. Since that is not categorically so stated we are only tentatively holding that if that is the basis then it is wholly unjustified for the simple reason that while protecting the interest of those who were likely to

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suffer others such as applicants who were eligible certain rights in their own turn could not be prejudiced. It is also difficult to imagine that the policy could have been valid after the decision of the Jabalpur Bench of the Central Administrative Tribunal. We are therefore convinced that there is great substance in the grievance of the applicants namely that although they were senior by reason of their regular appointment in the grade of Transmission Executive they have been wrongly assigned a lower position as compared to respondent No. 3 and possibly some other juniors contrary to the settled norms regulating seniority and that has resulted them^{vn} as making them juniors to respondent No. 3 in the cadre of Programme Executives. This action of respondents 1 & 2 appears to be illegal and arbitrary. This aspect was required to be seriously considered by the Director General.

In the light of all the aspects discussed above we think that it is absolutely essential that the Director General looks into the objection of the applicants on merits and to see that any injustice if has been caused to them it is removed by taking corrective steps expeditiously. The applicants have averred that the representation filed by the applicant No. 1 dated 30.4.1991 Annexure 10 was not decided nor replied by the Director General. The respondents have not replied this avermen. effectively and have not stated that the representation was considered on merits and was replied.

It may be mentioned that Mr. Ali, the learned Sr. C.G.S.C. submitted that the application was barred by limitation. However we are not impressed by

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this submission having regard to the fact that the representation of the applicant No. 1 was not replied and having regard to subsequent events. Hence the objection is rejected.

We therefore direct the Director General, All India Radio, New Delhi to dispose of the representation of the applicant No. 1 dated 30.4.1991 Annexure-10 on merits and convey his decision to the applicants. The Director General shall pass a speaking order while disposing of the aforesaid representation. He shall also have due advertance to the various aspects of the matter discussed by us above in the judgement. The decision to be taken as expeditiously as practicable preferably within 3 months from the date of communication of this order. *The decision shall govern all the three applicants*

Liberty to applicants to adopt such remedies as they may be advised in accordance with the law if aggrieved by the decision of the Director General.

The O.A. is disposed of in terms of the aforesaid directions. No order as to costs.

Sd/- VICE CHIEF JUSTICE

Sd/- MEMBER (ADMIN)

Certified to be true Copy
राजिब प्रदीप

trd.

14/2/96
COURT OFFICER

राजिब प्रदीप
Central Administrative Tribunal
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कानून की बेंच, कुवामिन-5
नएला, पंजाब, पंजाब-5

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ANNEXURE-9.

GOVT. OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO.

No.: G(31)/92-SI(B) New Delhi, dated 19.06.96.

Sub : O.A.No.163/92 filed by S/Shree Manoranjan Das
and Dibakar Sen and CAT Order dated 07.12.95.

This has reference to order dated 07.12.1995 deliberated by the Hon'ble Central Administrative Tribunal, Awahati Bench in OA No.163/92 filed by S/Shri Manoranjan Das and Dibakar Sen, the applicants. The Hon'ble Tribunal while directing the Respondent No.2 to dispose of the representation dated 30.04.1991 made by applicant No.1 also made some observations in para 9,10 and 11 of the order. The main observations, in brief, are as under -

- (i) In our view the use of the words "Recruitment on Regular Basis" and at the same time prescribing the date of officiation even if on ad-hoc basis for counting the length of service is not clear nor does it appear rational.
- (ii) The respondents also have not explained as to precisely on what ground the corrigendum dated 15.11.1988 specifying the date of ad-hoc appointment of respondent No.3 as 21.09.1970, was issued.

2. Further the Hon'ble Tribunal in para 11 of the aforesaid order has tentatively observed with regard to the extension of the benefit of ad-hoc service to the promotee TRESs by regularising their promotion against

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the vacancies available in Zones to which they did not belong that such apology is unjustified for the simple reason that while protecting the interest of those who were likely to suffer, others such as applicants who were eligible to certain rights in their own turn could not be prejudiced. It is also difficult to imagine that the policy could have been valid after the decision of the Jabbalpur Bench of the Central Administration Tribunal.

3. In the representation dated 30.04.1991, Shri M. R. Das has pointed out a case of anomaly in the Eligibility List for TREXs circulated vide 4/8/89-S-VII, dated 10.8.89 stating that the name of Shri M. D. Samel (date of joining as TREX 19.08.1976) has been omitted though his name appeared at Sl.No.235 of the eligibility list circulated vide Memo No.4/8/87-SI(B)/VII, dated 02.08.88. Shri Das pleaded that since his date of joining as TREX on regular basis falls earlier to the date i.e. 19.08.1976 on which Shri Samel joined as TREX on regular basis, he should also have been given promotion with effect from 18.04.1981 as in the case of Sh. Samel who is junior to him by virtue of his subsequent joining as TREX on regular basis.

4. The undersigned has perused all the relevant records of the case vis-a-vis the anomaly and grievances of Shri Das in his representation dated 20.04.92. Keeping in view the observations made by Hon'ble Tribunal, Guwahati Bench in the order dated 07.12.95 in C.A.No.163/92. The facts of the case as contained in the records are that

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the Central Administrative Tribunal, Jabalpur Bench in its order dated 05.03.1987 in the TAA No.104/86 filed by Shri V.L.N. Rao had given the following directions while quashing the eligibility list of TREXs as on 01.01.82 prepared by the Respondent i.e. DG:AIR for promotion to the Grade of PEX :

* We accordingly direct the Respondent to prepare and compile a revised All India Eligibility List of Transmission Executives indicating the position as on 01.01.82 in substitution of the list quashed, arranged with reference to the dates of continuous officiation in the grade of Transmission Executives with reference to the dates from which they started officiating even as ad-hoc Transmission Executives before the D.P.C.'s had regularised them subject to such officiation remaining unbroken and uninterrupted. If in the case of an officer there is no past/previous ad-hoc continuous officiation then his date of seniority for purpose of All India 'Eligibility List' will be reckoned from the date of the D.P.C. which cleared him for regular appointment. Those ad-hoc Transmission Executives who were not regularised or recommended for promotion on regular basis will not figure in this list. The order of ranking of the Transmission Executives so arranged on the 'Eligibility List' will also be subject to the zonal (State) inter-se and internal ranking recommended by the D.P.C. remaining intact irrespective of the fact whether

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a particular officer had started officiating as ad-hoc TRESX in the respective zone earlier if the D.P.C. has given a lower position in the zonal cadre or vice-versa, as the case may be. Subject to this the All India 'Eligibility List' will be on the basis of the orders of the continuous officiation in the grade and not from the dates of regular appointment or joining as Transmission Executives unless an officer has no previous continuous period of ad-hoc officiation either within the zone for which DPC has cleared their promotion or in another zone whether an officer has joined as in case of the petitioner which will be treated as a case of deputation ex-cadre until his option is changed, at his request.

The revised 'Eligibility List' indicating the position as on 31.12.82 may be up-dated subsequently in the light of the same principles.

It is further directed that further promotion to the posts of Programme Executives subject to vacancies may be made on the basis of the revised All India 'Eligibility List' of Transmission Executives. A special D.P.C. may be convened for the purpose to consider the case of the petitioner Shri V.L.N. Rao and other officers similarly placed who would have become entitled to promotion on the basis of the revised 'Eligibility List. However, no officer who has been already promoted as Programme Executive on the basis of the earlier 'Eligibility List

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LIKE Shri Vinod Mehta and Shri H.N. Siddique, shall be adversely affected or reverted. The special D.P.C. should consider the cases of officers like the petitioner and other similarly placed, entitled to promotion and the result of the revised 'Eligibility List' as if the D.P.C. has met at that time when they became eligible for consideration on the basis of their records of performance which would have been available at that time, and not take into consideration any subsequent material. If the D.P.C. clears them for promotion, they should be given notional promotion retrospectively from the dates their immediate juniors were promoted as Programme Executives already, and their seniority in the cadre of Programme Executive determined accordingly, and their pay fixed by grant of increments with reference to the notional dates of promotion as Programme Executives. They shall, however, not be entitled to arrears of pay or emoluments in the higher post of Programme Executive until they actually assume the charge of posts of Programme Executives, from the earlier period for which they have not actually worked as Programme Executives, on the principle of 'no work no pay'.

5. The 'Eligibility List' had been prepared strictly following the principles enuniated in the judgment dated 05.03.1987 of the Hon'ble CAT, Jabalpur. The ad-hoc period of service rendered by Shri M.D. Samal, i.e. Respondent No.3 with effect from 21.09.1970 for the purpose of drawing of 'Eligibility List' as on 01-01.82 has been considered

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keeping in view the express directions in the judgment dated 05.03.1987 by the Central Administrative Tribunal Jabalpur Bench. This has been the case in respect of other TREES similarly placed with respondent No.3 namely Shri M.D.Samel. The necessity for issuing the corrigendum dated 15.11.1988 inserting the name of Respondent No.3 in the 'Eligibility List' circulated on 16.09.88, ~~obser~~ ~~obviously~~ obviously arose in view of the fact that the name of Respondent No.3 was not included in the Eligibility List which was prepared on the directions in the Central Administrative Tribunal Judgment delivered on 05.03.1987. A special D.P.C. was convened on 25 & 26.08.87. The names of the petitioners were considered by the special D.P.C. but their names could not be included in the select panel because of inadequate number of vacancies in the grade of Programme Executive.

6. With reference to the promotion of the ad-hoc appointees to the grade of TRES including Respondent No.3, it is stated that until October, 1974 the cadre of TRES was centralised. However, the decision was taken to decentralise the cadre of TRES with a view to expedite the recruitment to this cadre by the various All India Radio Stations to avoid delay in filling up the vacant posts in this cadre. This decision necessitated the amendment in the Recruitment Rules and the consequent amendment of the Recruitment Rules took time which was eventually notified on 09.10.1974. However, during the process of the amendment of the recruitment rules, the promotion to the cadre of

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Advocate.

TREXs could not be made on regular basis but the vacancies were filled up on ad-hoc basis in the cadre of TREXs, keeping in view, the seniority and 'Eligibility List' etc. However, no notification of Recruitment Rules in 1974 the DPCs were held for filling up the vacancies in the cadre of TREXs on regular basis. Since the cadre of TREXs were centralised before October, 1974 there is nothing wrong in giving the promotions to ad-hoc appointees in the grade of TRES against the vacancies which were available in other zones to which they did not belong subsequently. However, the fact remains that before 1974 they were eligible for promotions against all the vacancies because of the fact that seniority of the cadre was centralised.

7. The promotions on regular basis of the ad-hoc appointees from the dates on which they were promoted on ad-hoc basis were strictly against the vacancies earmarked for promotion quota and as such the direct quota vacancies were not affected in any manner.

8. In view of the discussion of the facts vis-a-vis the grievances of Shri Manoranjan Das voiced in his representation dated 30.04.1991 and with due regard to the judicial observations made in the order dated 07.12.1995 on. the undersigned is of the considered view that the action taken by the Department in preparing the Eligibility List as on 01.01.82, holding of the special review D.P.Cs on

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25 & 26.8.1987 and the subsequent promotions to the grade of Programme Executive, including the promotions of Respondent No.3 is strictly within the parameters set in the judgment dated 05.03.1987 delivered by the Hon'ble Central Administrative Tribunal, Jabalpur Bench in TAA No.104/86. As such the representation dated 30.04.1981 of Shri Das lacks substance and is, therefore, rejected on merit.

Sd/-

(SHASHI KANT KAPOOR)
DIRECTOR GENERAL.

Shri Manoranjan Das,
Programme Executive,
All India Radio,
Shillong.

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Advocate.

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ANNEXURE - 10
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.131 of 1997

Date of decision: This the 23rd day of December 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Shri Monoranjan Das,
Programme Executive,
All India Radio,
Shillong.
2. Shri Dibakar Sen,
Programme Executive,
All India Radio,
Guwahati.

.....Applicants

By Advocates Mr B.K. Sharma,
Mr M. K. Choudhury and Mr S. Sarma.

- versus -

1. The Union of India, represented by the
Secretary,
Ministry of Information & Broadcasting,
New Delhi.
2. The Director General,
All India Radio,
New Delhi.
3. Shri M.D. Samel,
Programme Executive,
Presently posted at All India Radio,
Bolangir, Orissa.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

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ORDER

BARUAH.J. (V.C.)

In this O.A. the applicants have challenged the Annexure 9 order dated 19.6.1996 issued by the Director General, All India Radio, rejecting the representation dated 30.4.1991, filed by the applicant No.1, and holding that the action taken by the Department in preparing the Eligibility List as on 1.1.1982 and holding of the special review DPCs on 25.8.1987 and 26.8.1987 and the subsequent promotions to the grade of Programme Executive was

Advocate
W. Das
Advocate

correctly made in strict compliance of the judgment dated 5.3.1987 of the Jabalpur Bench of the Tribunal.

2. The facts are:

Both the applicants, at the time of filing of this application were serving as Programme Executive and posted at All India Radio (AIR for short), Guwahati. They joined AIR on 10.5.1976 as Transmission Executive. They were direct recruits on regular basis. They claim that they have unblemished service career and no adverse remark was ever communicated to them. The 3rd respondent joined the post of Transmission Executive on 19.8.1976 as an ad hoc promotee. Subsequently he was regularised on 25.11.1976 with effect from the date of his ad hoc appointment, i.e. 19.8.1976. Accordingly to the applicant the 3rd respondent is junior to them. The applicants have further stated that the post of Programme Executive is a Gazetted Group 'B' post, and as per the set of rules notified for recruitment to the post, 75% of the posts are to be filled up through the Union Public Service Commission and 25% of the posts are to be filled up from amongst the Transmission Executives having five years qualifying service in the grade. Prior to that the cadre was centralised and seniority was determined on centralised basis. All the Transmission Executives who were appointed on the basis of centralised cadre have since been promoted to the grade of Programme Executive of AIR. In 1974 the cadre of Transmission Executive was decentralised into 24 recruiting zones. Till 1982 the selection and appointment to this grade were being done by the Head of the 24 Stations of AIR. Seniority list was prepared for each zone separately.

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The applicants have further stated that with a view to granting promotion to the Transmission Executives, after the cadre was decentralised, to the grade of Programme Executive against the 25% departmental promotion quota it was decided to draw up an All India List of Transmission Executives. The matter was thereafter referred to the Department of Personnel and the said department recommended that the only feasible course was to draw up an All India Eligibility List of Transmission Executives who were appointed/promoted after the revision of the recruitment rules on the basis of length of continuous regular service in that grade. In other words it was recommended that the names should be arranged in order of seniority based on the date of appointment. Accordingly an All India Eligibility List of Transmission Executives as on 31.12.1981 was published by the Director General on 21.6.1982. In the said Eligibility List the name of the 3rd respondent was shown at serial No.11 and his date of continuous appointment to the grade as well as the date of regular appointment in the grade was shown as 19.8.1976. On the other hand the name of the 1st applicant was shown at serial No.117 and that of the 2nd applicant at serial No.125, even though, according to the applicants, the date of their continuous appointment as well as regular appointment to the grade was shown as 10.5.1976. According to the applicants, although the 3rd respondent was junior to them as regards his date of joining the cadre he was wrongly shown as senior to them and he was assigned a wrong seniority position. There had been numerous anomalies and errors in the said list. However, according to the applicants, the Director General did not make any endeavour to correct the same. While issuing the said

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list, the Director General advised the Heads of main station of AIR to consolidate the objections/representations filed by the Transmission Executives and to send those objections with their comments to the Director General. A large number of objections and representations were filed by the Transmission Executives including the present applicants. Thereafter a revised All India Eligibility List of Transmission Executives of AIR and Doordarshan as on 1.1.1982 was published. In this list the name of the 1st applicant appeared at serial No.203 and that of the 2nd applicant at serial No.202. But, the name of the 3rd respondent did not figure in the said list. Meanwhile, the respondents held a DPC for promotion of Transmission Executives to the post of Programme Executive on the basis of the 1981 eligibility list. Because of the wrong seniority position, the 3rd respondent was promoted alongwith others, but the applicants were not considered for promotion, even though the 3rd respondent was much junior to the applicants. He was promoted to the grade of Programme Executive with effect from 18.4.1983 by virtue of wrong assignment of seniority in the 1981 list.

4. The applicants have further stated that they filed representations raising various grievances against the promotion of the 3rd respondent in total disregard to the seniority positions. According to the applicants there were many other Transmission Executives with similar grievances. However, all those grievances were not considered by the respondents. Being aggrieved by the action of the respondents, one V.L.N. Rao, Transmission Executive filed an application before the Allahabad Bench of the Tribunal challenging the 1981 All India Eligibility List and the promotions made on the basis of the said

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V.L.N. Rao

list. The said V.L.N. Rao was subsequently transferred to Jabalpur. The application was also transferred to the Jabalpur Bench of the Tribunal. An order was passed by the Jabalpur Bench restraining the respondents in that case to hold any DPC based on the impugned eligibility list. As a result the DPC for promotion to the grade of Programme Executive was not held from 1983 to 1987. Later on, the Jabalpur Bench delivered the judgment in V.L.N. Rao -vs- Director General, AIR, New Delhi (T.A.No.104/86). The Tribunal by its judgment and order dated 5.3.1987 quashed the eligibility list of 1981 and directed the respondents to prepare a revised Eligibility List following the principles laid down in its judgment. Thereafter, in terms of the judgment of the Jabalpur Bench a revised All India Eligibility List of Transmission Executives of AIR and Doordarshan as on 1.1.1982 was prepared and circulated on 2.8.1988. In the said list the name of the 1st applicant appeared at serial No.200 and that of the 2nd applicant at serial No.199. The name of the 3rd respondent appeared at serial No.235.

5. The applicants have further stated that a special DPC was held on 25.8.1987 and 26.8.1987 in pursuance to the judgment of the Jabalpur Bench of the Tribunal and on the recommendation of the special DPC a total of 117 Transmission Executives were promoted to the grade of Programme Executive by order dated 28.8.1987. The order specifically stated that the persons shall be deemed to have been promoted with effect from 18.4.1983, the date on which their junior started officiating as Programme Executive. The names of the applicants, however, did not figure in the list since only 117 Transmission Executives had been promoted and since the applicants' names appeared at serial Nos.199 and 200 in the revised eligibility list.

Subsequent.....

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Subsequent to this, another promotion list was issued sometime in November 1988 promoting about 67 Transmission Executives to the grade of Programme Executive. As per Annexure 6 Notification dated 21.4.1989 their promotion was given effect from 18.4.1983. The applicants' case was, however, not considered. The grievance of the applicants is that they were not considered for promotion in 1987-88 though they became eligible for promotion in 1981 as per the rules. The applicants further submitted that by an order dated 27.10.1989 40 Transmission Executives including the applicants were promoted to the grade of Programme Executive, but they were not given retrospective effect of promotion. According to the applicants, as the eligibility list of 1981, based on which the 3rd respondent was erroneously promoted, had been quashed by the Jabalpur Bench of the Tribunal, the applicants deserved to be promoted to the grade of Programme Executive with effect from 1983 after placing them above the 3rd respondent in the eligibility list under the next below rule since the date their junior had been promoted. The applicants submitted several representations stating their grievances and seeking similar treatment in the line of the order passed by the Jabalpur Bench of the Tribunal. However, nothing was done. Thereafter, the Director General- 2nd respondent, by order dated 4.2.1991 in response to several representations sought particulars of the juniors in the cadre of Transmission Executives who had been promoted earlier. Accordingly the applicants in their detailed representation dated 30.4.1991 furnished the details sought for, but the said representation was not disposed of. Being aggrieved, the applicants approached this Tribunal by filing O.A.No.163 of 1992 seeking.....

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Attested
W. S. S.
Advocate

seeking inter alia that their promotion to the grade of Programme Executive be given with retrospective effect from 18.4.1983, the date when their junior had been promoted with all consequential benefits including correct fixation of interse seniority. This Tribunal, by order dated 7.12.1995 disposed of the said application with direction to the 2nd respondent to dispose of the representation dated 30.4.1991 on merits and convey the decision to the applicants within three months from the date of receipt of the said order. However, by Annexure 9 order dated 19.6.1996, the 2nd respondent rejected the representation filed by the 1st applicant. However, there is no such disposal in case of the 2nd applicant. The applicants submitted that the ground on which the representation was rejected was wholly untenable having no nexus with the principles laid down by the Jabalpur Bench of the Tribunal. The contention of the applicants is that they should get the same treatment as enunciated by the Jabalpur Bench which was, however, denied to them. Hence the present application.

6. In due course the respondents have entered appearance. In spite of several adjournments the respondents have not filed any written statement.

7. We heard Mr S. Sarma, learned counsel for the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C. We have also perused the Annexure 9 order dated 19.6.1996 passed on the representation dated 30.4.1991 submitted by the 1st applicant. We find that the entire matter was not considered. In the absence of the written statement it is difficult for this Tribunal to decide the matter. Besides, the records have also not been produced.

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8. In view of the above we direct the respondents to reconsider the case of the applicants. While considering the matter the respondents, specifically the 2nd respondent shall consider whether the case of the applicants were considered at the time when the second batch of promotions had been made as the applicants were placed at serial Nos.200 and 199 respectively in the eligibility list. If they were considered on what ground their case was rejected and whether any junior had been promoted at the time of giving promotions to the said second batch, i.e. of 67 persons. Thereafter, the respondents shall dispose of the entire matter by passing a reasoned order. The applicants may also file a fresh representation within one month from today and if such representation is filed the respondents shall consider that also and dispose of the same by a reasoned order within three months from the date of the receipt of the fresh representation and communicate the decision to the applicants. If the applicants are still aggrieved they may approach the appropriate authority.

9. The application is accordingly disposed of. However, in the facts and circumstances of the case we make no order as to costs.

Sd/-VICECHAIRMAN
Sd/MEMBER (A)

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Handwritten notes:
M Das,
13/2/2000

Deputy Registrar (G)
Central Administrative Tribunal
Guwahati Bench

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M.L. Das

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ANNEXURE-11

Most Immediate

CAT CASE

(Broadcasting Corporation of India)
Directorate General : All India Radio

No.6/31/92-SI(B) 302

New Delhi, dated 16.6.2000

ORDER

Subject:- OA No. 131/97 filed by S/Shri Manoranjan Das and Dibakar Sen, Programme Executives in All India Radio

This is regarding order dated 23.12.99 delivered by the Hon'ble CAT, Guwahati Bench in OA No. 131/97 filed by Shri Manoranjan Das and Dibakar Sen Programme Executives. The Hon'ble Tribunal while disposing the Application had directed Respondent No.1 and 2 namely Secretary, Ministry of I&B and DG; AIR respectively for re-considering the entire case of the Applicants in accordance with their observations made in Para 7 and 8 of the judgement, reproduced below:-

Para 7 We heard Mr. S. Sarma, learned Counsel for the applicants and Mr.A Deb Roy, learned Sr. C.G.S.C. We have also perused the Annexure 9 order dated 19.6.96 passed on the representation dated 30.4.91 submitted by the 1st Applicant. We find that the entire matter was not considered. In the absence of the written statement it is difficult for this Tribunal to decide the matter. Besides, the records have also not been produced.

Para 8. In view of the above we direct the respondents to reconsider the case of the applicants. While considering the matter the respondents, specifically the 2nd Respondent shall consider whether the case of the applicants were considered at the time when the second batch of promotions had been made as the applicants were placed at S.No.200 and 199 respectively in the eligibility list. If they were considered on what ground their case was rejected and whether any junior had been promoted at the time of giving promotions to the said second batch, i.e. of 67 persons.

M.L. Das
Advocate:

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Thereafter, the respondents shall dispose of the entire matter by passing reasoned order. The applicants may also file a fresh representation within one month from today and if such representation is filed the respondents shall consider that also and dispose of the same by a reasoned order within three months from the date of the receipt of the fresh representation and communicate the decision to the applicants. If the applicants are still aggrieved they may approach the appropriate authority.

The undersigned has perused all the relevant records of the case vis a vis the grievances of the Applicants and the issues relating to the seniority raised in the OA No. 131/97 with reference to the observations made by the Hon'ble CAT, Guwahati Bench in their order dated 23.12.99. The facts which have a bearing in this case are as under:-

The Applicants are Direct Recruit. Transmission Executives appointed on 10.5.76 on regular basis. The cadre of Transmission Executives consists of officials' coming from two streams, first by promotion to the grade and the other through Direct Recruitment. Prior to 1974 the cadre of Transmission Executives used to be centralised and their recruitment and promotions were made at the Headquarters level. The Recruitment Rules for TREXs were modified in 1974 and the cadre of TREX was decentralised. Consequently, the recruitments and promotions were made at the zonal level and their seniority maintained in the respective zones only. It has further been observed that for the purpose of promotion to the higher grade i.e. Programme Executive, an Eligibility List as on 31.12.81 was drawn up and circulated vide DG;AIR's O.M. No. 5/33/79 S I dated 21.6.82. In this Eligibility List the name of First Applicant namely Shri Manoranjan Das figured at S.No.117 and the Applicant No.2 namely Shri Dibakar Sen figured at S.No.125 respectively. The name of Shri M.D. Samal who has been impleaded as Respondent No.3 in OA No.131/97 figured at S.No.11 of the aforesaid Eligibility List. But the Eligibility List dated 21.6.82 was challenged by one Shri V.L.N. Rao, Transmission Executive AIR, Jagdalpur in CAT, Jabalpur Bench. Hon'ble CAT, Jabalpur Bench in its judgement delivered on 5.3.87 in the O.A. T.A.A. No.104/86 filed by Shri V.L.N. Rao had quashed the eligibility list circulated vide O.M. dated 21.6.82 and directed the Department to draw a fresh Eligibility List of Transmission Executives in

Attested
W.Das,
Advocate.

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Eligibility List on
21.6.82

accordance with the principles laid in para No.12 and 13 of the judgement for the promotion to the grade of Programme Executives to substitute the Eligibility list quashed, Para 12 and 13 of the judgement are reproduced below:-

Para 12 We accordingly direct the Respondent to prepare and compile a revised All India Eligibility List of Transmission Executives indicating the position as on 1.1.82 in substitution of the list quashed, arranged with reference to the dates of continuous officiation in the grade of Transmission Executives with reference to the dates from which they started officiating even as ad hoc Transmission Executives before the DPC's had regularised them subject to such officiation remaining un-broken and un-interrupted. If in the case of an officer there is no past/previous ad hoc continuous officiation then his date of seniority for purposes of All India Eligibility will be reckoned from the date of the DPC which cleared him for regular appointment. Those ad hoc Transmission Executives who were not regularised or recommended for promotion on regular basis will not figure in this list. The order of ranking of the Transmission Executives so arranged on the Eligibility List will also be subject to the zonal (state) inter se internal ranking recommended by the DPC remaining intact irrespective of the fact whether a particular officer had started officiating as ad hoc Transmission Executive in the respective zone earlier if the DPC has given a lower position in the zonal cadre or vice versa as the case may be. Subject to this the All India Eligibility List will be on the basis of the orders of continuous officiation in the grade & not from the date of regular appointment or joining as Transmission Executives unless an officer has no previous continuous period of ad hoc officiation either within the zone for which DPC has cleared their promotion or in another zone where an officer has joined as in case of the petitioner which will be treated as a case of deputation ex-cadre until his option is changed, at his request.

The revised Eligibility List indicating the position as on 31.12.81 may be updated subsequently in the light of the same principles.

Para 13 It is further directed that further promotion to the posts of Programme Executives subject to vacancies may be made on the basis of the revised All India Eligibility List of Transmission Executives. A special DPC may be convened for the purpose to consider the case of petitioner Shri V.L.N.Rao and others similarly placed who would have become entitled to promotion on the basis of the revised Eligibility List. However,, no officer who has been already promoted as Programme Executives on the basis of the earlier 'Eligibility List' like Shri Vinod Mehta and Shri M.H. Siddiqui shall be adversely affected or reverted. (The Special DPC should consider the cases of officers like the petitioner and other similarly placed, entitled to promotion/as the result of the revised Eligibility List as if the DPC had met at that time when they became eligible for consideration on the basis of their records of performance which would have been available at that time, and not take into consideration any subsequent material. If the DPC clears them for poromotion, they should be given notional promotion retrospectively from the dates their immediate Juniors were promoted as Programme Executives already, and their seniority in the cadre of Programme Executives determined accordingly, and their pay fixed by grant of increments with reference to the notional dates of promotion as Programme Executives. They shall, however, not be entitled to arrears of pay or emoluments in the higher post of Programme Executive until they actually assume the charge of posts of Programme Executives, for the earlier period for which they have not actually worked as Programme Executives, on the principles of 'no work, no pay'.

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Based on the principles laid down in the judgement dated 5.3.87, broadly and in para 12 and 13 specifically, a fresh Eligibility List as on 31.12.81 was prepared and circulated vide DG;AIR's O.M. 4/8/87 S I(B) dated 13.8.87. In this Eligibility List the names of those TREXs who have completed 8 years regular service in accordance with the Recruitment Rules (amended) 1984 for promotion to the grade of Programme Executive, were included. A DPC was also held on 25/26 -8-87 which took into consideration all the 143 eligible Transmission Executives

*Amended
was
Advocate.*

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4/8/87 S I(B)/S VII dated 2.8.88 in which the Applicants have been shown senior to Respondent No. 3. In this list, the Applicant No. 1 has been shown at S No. 200, Applicant No. 2 at S.No.199 and Respondent No. 3 at S.No.235. In fact The entire case is constructed around one Sh. M.D. Samel another TRESX(promotee) who though was admittedly promoted as TRESX on adhoc basis w.e.f. 21.9.1970 but whose services were regularised later w.e.f. 19.8.1976. The applicants have also included Sh. Samel as Respondent No.3 in the OA. Their main and only grievance is that Sh. M.D. Samel is their junior and as such they are entitled for consideration for promotion earlier than Sh. M.D. Samel, Respondent No.3.

The Applicants have submitted their representations dated 1.3.2000 and dated nil respectively which were received in the office of the undersigned on 6.3.2000 and 17.4.2000 respectively. There is nothing of substance mentioned in the representations except the appeal to consider the facts stated in the judgement dated 23.12.1999 sympathetically. Therefore, the matter has been examined with refernece to the contentions made in the OA No.131/97 and the observations made by the Hon'ble CAT in its order dated 23.12.99.

23/12/99
 The perusal of the file No. 4/8/87 S I(B) and 4/245/88 S. I(B)(Part II) reveals that first DPC was held on 25-8-87 and 26-8-87 in respect of 131 vacancies (117 firm vacancies and 14 anticipated vacancies). In the DPC held on 25.8.87 and 26.8.87 all the 143 TRESXs included in the Eligibility List circulated vide DG;AIR's O.M. No. 4/8/87 SI(B) dated 13.8.87 were considered and 131 TRESXs were recommended in the panel for promotion. However, orders could only be issued in respect of 117 officials against the clear vacancies vide order No.79/87 S I(B) dated 28.8.87 (from file No. 4/8/87 S I(B). As already stated above the Eligibility List circulated vide DG;AIR's O.M. dated 13.8.87 was further challenged in the OA. No. 671/87 and the Hon'ble CAT, Calcutta Bench in its judgement daed 29.4.88 without quashing the Eligibility List dated 13.8.87 had directed that the names of all those TRESXs who have completed 5 years regular service as on 31.12.81 should also be incorporated in the Eligibility List. This judgement was examined in file No.4/245/88 S I(B)(Part II) and it was noted that no eligibility list was prepared and published on 27/28.8.87 for the cadre of the Transmission Executive in the Directorte and that the eligibility list referred to in the judgement dated 29.4.88 must be the eligibility list circulated vide No.4/8/87-SI(B) dated 13.8.87. Further it was construed that this judgement is just an improvement on the earlier judgement dated 5.3.87 delivered in OA

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included in the Eligibility List dated 13.8.87, A promotion order vide No. 4/8/87 S I(B) dated 28.8.87 was also issued in respect of 117 Transmission Executives. The Eligibility List circulated vide O.M. dated 13.8.87 was further challenged in OA No. 671/87 filed in the CAT, Calcutta Bench by Shri Debasis Gautam and others. The Hon'ble CAT, Calcutta Bench in its judgement delivered on 29.4.88 in OA No. 671/87 inter alia directed that the names of those Transmission Executives who have completed 5 years service in accordance with the Recruitment Rules for Programme Executives in force as on 31.12.81, should also be incorporated in the Eligibility List. It is stated that as per the Recruitment Rules which were in force prior to the Recruitment Rules (amended) 1984, the Eligibility condition for Transmission Executives for promotion to the grade of Programme Executive was five years. The Eligibility period for Transmission Executives for promotion to the grade of Programme Executive was raised to 8 years in the recruitment rules notified in 1984. Therefore as per the directions contained in the judgement dated 29.4.88 another Eligibility List was prepared and circulated vide DG;AIR's O.M. No.4/8/87 S I(B)/S.VII dated 2.8.88 for inviting objections. In this list the name of Applicants appeared at S.Nos.200 and 199 and Respondent No.3, Shri M.D. Samal figured at S.No.235. Subsequently, an Eligibility List as on 1.1.82 was finalised and circulated vide DG;AIR' O.M. No. 4/8/87 S I(B)/S VII dated 16.9.88 read with a corrigendum No. 4/8/87 S I(B)/S.VII dated 15.11.88. Corrigendum had to be issued as the name of Respondent No.3 was missing from the said Eligibility List dated 16.9.88. As per the corrigendum dated 15.11.88 the name of Shri M.D. Samal, TRES was incorporated between the names of Shri J.P. Bhatt (S.No.33) and Shri T.T. Haokip (S.No.34) of the Eligibility List circulated on 16.9.88. A DPC was also held on 22.11.88 on the basis of the Eligibility List issued vide 4/8/87 S I (B)/S VII dated 16.9.88 which recommended the names of 46 Transmission Executives for promotion apart from 117 Transmission Executives already promoted as per the recommendations of DPC held on 25/26-8-87.,

On the other hand, the case of the Applicants is that they were Direct Recruit TRESs appointed on 10.5.1976, on regular basis. In the OA No.131/97, it has been stressed that the Applicants' name in the Seniority list as on 31.12.81 circulated vide No.5/33/79-SI dated 21.6.82 figured at Sr. No. 117 and Sr. No. 125 respectively though they joined AIR on 10.5.76 and the name of Sh. M.D. Samal figured at Sr. No. 11 whose date of regular appointment is 19.8.76. The Applicants have also referred to the draft Eligibility List issued vide O.M. No.

*Attended
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[Signature]*

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No.T.A.A. No.104/86 by CAT, Jabalpur Bench and that it only supplements the judgement dated 5.3.87 in T.A.A. No.104/86 inasmuch as it extends the benefits contained in the judgement dated 5.3.87 by CAT, Jabalpur Bench in the matter of promotion to those TREXs also who have completed 5 years of regular service as on 31.12.81. Therefore, another DPC was held on 22.11.1988 by including the TREXs who had rendered five years continuous service as on 31.12.1981 in the Eligibility List circulated vide O.M. NO.4/8/87 S I(B) dated 13.8.87. The revised eligibility list was issued vide No.4/8/87-SI(B)/S.VII dated 16.9.88. The DPC, which was held on 22.11.88 had considered the Transmission Executives with five years regular service for promotion to the grade of Programme Executive and did not affect the promotion of 117 Transmission Executives vide order No.79/87S I(B) dated 28.8.1987 who had completed 8 years regular service as on 31.12.1981 and who were recommended for promotion by the DPC held on 25-26.8.1987. In the DPC held on 22.11.88 the Transmission Executives who were considered and promoted were the ones who joined AIR before December, 1975. The total number of vacancies existing as well as anticipated were 161 (including 117 against which orders were already issued vide order dated 28.8.87 on the recommendations of DPC held on 25 and 26-8-87). The last Transmission Executives who was considered and empanelled for promotion in the DPC held on 25/26-8-87 and 22.11.88 is Smt. Sheela Modi who figured at S.No.179 of the Eligibility List as on 1.1.1982 circulated vide O.M. 4/8/87 S I(B)/S VII dated 16.9.88. The name of Shri M.D. Samal, TREX (Respondent No.3) figured between S.No. 33 and S.No.34 of Eligibility List as on 1.1.1982 circulated vide O.M. No.4/8/87 S I(B)/S VII dated 16.9.88. The names of Applicants 1 & 2 figured at S.No. 203 and S.No.202 respectively of this list. As such their names could not be considered in absence of adequate number of vacancies.

In view of the facts stated above, it is evident that the entire gamut of guidelines followed for preparing the Eligibility/Seniority List for Transmission Executives as on 1.1.82 circulated vide No. 4/8/87 S I(B)/S VII dated 13.8.87 and 16.9.88, on the basis of which DPCs were held on 25/26.8.87 and 22.11.88 has been considered and decided by the Hon'ble CATs, Jabalpur Bench and Calcutta Bench in their judgement dated 5.3.87 and dated 29.4.88. As such the promotion of 161 Transmission Executives recommended by the DPCs held on 25/26-8-87 and 22.11.88 vide orders dated 28.8.87 and 28.11.88 are beyond impugment. The undersigned is, therefore, of the considered view that the action taken by the Department in preparing the Eligibility List as on 1.1.82 circulated vide No. 4/8/87 S I(B)/S VII dated 16.9.88 and holding of the Special Review DPCs on

Attested
W.D.S.
Advocate.

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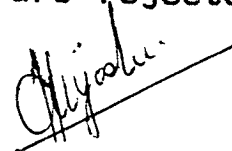
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25/26-8-87 and 22-11-88 for promotion to the grade of Programme Executive including the promotion of Respondent No.3 is strictly within the parameters set in the aforesaid judgements.

The undersigned therefore does not find any ground pleaded in the representations dated 6.3.2000 and 17.4.2000 and for that matter in the OA No. 131/97 filed in the Hon'ble CAT, Guwahati Bench substantial enough to interfere with the Eligibility List as on 1.1.1982 circulated vide O.M. No.4/8/87 S I(B)/S VII dated 16.9.88 and promotions made on its basis. Accordingly, the representations submitted by the Applicants are rejected on merits.



(H.M. JOSHI)
Engineer -in- Chief

1. ✓ Shri Manoranjan Das,
Programme Executive,
All India Radio,
Guwahati
2. ~~Shri Dibakar Sen,
Programme Executive,
All India Radio,
Tura~~

Manoranjan Das
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

O.A. NO.254 OF 2001

Shri Manoranjan Das & Ors.

-vs-

Union of India & Others.

- And -

In the matter of:

Written statements submitted by the
Respondents.

The respondents beg to submit the written statement
as follows :-

1. That with regard to para Nos-1,2,3,4.1,4.2 & 4.3
The respondents beg to offer no comments.
2. That with regard to para - 4.4 of O.A., the
respondents beg to state that averments made by the
Applicants are denied. As per the records available
in the office of Respondent No-2. Respondents No-3 was
appointed as Transmission Executive on ad hoc basis with
effect from 21.9.70 vide order No-SEP-1/70-S dated 31.8.70
and thereafter he was promoted on regular basis in the
grade of TBEX with effect from 19.8.76 vide order No.CBS-1(1)/
76-S dated 21.10.76. Ad hoc service followed by regular
appointment was taken into account while preparing the
revised Eligibility list for promotion to the grade of
PEX.
3. That with regard to para - 4.5, the respondents
beg to state that the contents of this para are matter
of recruitment Rules in vogue at the relevant period.
However, recruitment rules have been modified over the
period of time and as per existing recruitment rules

Filed by

115702
(A. DEBROY)
Sr. C. S. C.

C. A. T., Guwahati Bench

notified on 17.3.1992 for the post ~~xxx~~ of Programme Executive in All India Radio/Doordarshan, 60% of the posts are to be filled up by direct recruitment and 40% by promotion from amongst the TREXs. Prod. Asstts etc. with 8 years of regular service in the grade.

4. That with regard to para -4.6, the respondents beg to state that the contents of this para are matter of record. It is stated that till October 1974 the cadre of Transmission Executive was also centralised. Therefore a decision was taken by the Govt. to decentralise this cadre so that recruitment to this cadre is made by various AIR stations so as to avoid delay in filling up vacant posts in this cadre. This decision necessitated amendment in the Recruitment Rules in vogue before October 1974. This process of amendment of the Recruitment Rules which started in late sixties took quite some time and eventually Recruitment Rules making this cadre decentralised were notified on 9.10.1974 Annexure - R-I. However, in the intervening period i.e. when the process of amendment of Recruitment Rules started and the date on which the amended Recruitment Rules were finally notified the promotion to the grade of TREX were made on ad hoc basis.

5. That with regard to para 4.7, the respondents beg to state that the contents of this para are matter of record. It is stated that during the process of amendment of recruitment Rules the posts in the cadre of Transmission Executive were not filled up on regular basis either through direct recruitment or by departmental promotion. The work of ~~xxxxx xxxxxxxxxxxxxxx~~ Transmission/Executive at AIR Stations was managed by making ad hoc appointment in the cadre of Transmission Executive at various stations of AIR who were appointed on ad hoc basis during the period 1967-74.

After promulgation of the notification of Recruitment Rules on 9.10.74, the department took some time to issue instructions to various zones for regularisation of the ad hoc appointments in the cadre of Transmission Executive by holding regular DPCs against promotion quota. The Zones were also requested to fill up the direct recruitment vacancies through the Staff Selection Commission. The first direct recruitment after amendment of Recruitment Rules took place in 1975. However, the Departmental Promotion Committee to regularise the ad hoc appointees were convened between August - October 1976.

In the DPCs held in various zones, it was seen that in some of the zones sufficient number of vacancies in the departmental quota were not available to absorb all the ad hoc appointees in the grade of TREX. It was also notified that in some zones DPC vacancies were available but there were no ad hoc appointees who could be regularised against DPC vacancies. It was, therefore, decided to allocate surplus ad hoc appointees who could not be absorbed in the respective zones of their choice to zones where DPC vacancies were available.

The All India eligibility list was drawn up on the principle of date of regular appointment of the respective Transmission Executives subject to the condition that their interse seniority in the state/zone is maintained. Shri Manoranjan Das and Dibakar Sen Applicant No-1 and 2 respectively joined as Transmission Executive on 10.5.1976. They were therefore assigned seniority in All India Eligibility List according to their date of regular appointment. The matter was thoroughly examined by the Govt. in respect of such Xx Transmission Executives who have come from one zone to

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another due to non-availability of DPC vacancies and who were regularised by DPC as on earlier date but could join in another zone at much later date. After considering all aspects and rules on the subject it was decided that in respect of such Transmission Executives the seniority may be assigned by taking into account the date of their joining in the new state and not with effect from the date of DPC. But the eligibility list as on 31.12.81 which was ~~xxxxxx~~ ~~vide GA No-TAA 104/86 S I dated 21/6/82~~ ~~xxx~~ ~~xx~~ circulated vide AIR O.M. 5/33/79 S I dated 21/6/82 was challenged vide CA No-TAA 104/86 in the Hon'ble CAT, Jabalpur Bench by one Shri V.L.N. Rao. In the Judgement dated 5.3.87, the Hon'ble CAT Bench Jabalpur quashed the eligibility/seniority list drawn as on 31.12.81 and directed the Department to draw a fresh eligibility list of TREXs for the promotion to the grade of programme Executive to substitute the Eligibility list quashed in accordance with the principles as laid down in para - 12 and 13 of the judgement. The copy of the judgement dated 5.3.87 is annexed as R-II.

The revised Eligibility list as on 1.1.82 prepared as per directions of the judgement contained in para -12 and 13 was circulated vide DG: AIR, O.M. No-4/8/87 S I(B) dated 13.8.87. However, this eligibility list was again challenged vide CA No-671/87 in the Calcutta in their judgement dated 29.4.88 directed that the names of all those TREXs who have completed 5 years regular service in accordance with the Recruitment Rules then in force i.e. as on 31.12.81 should also be incorporated in the Eligibility list.

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Therefore, another eligibility list was prepared and circulated vide DG: AIR C.M. NO.4/8/87 S I (B)/S VII dated 16/9/88 followed by a corrigendum of even number dated 15.11.88 (Copies of the Seniority List and corrigendum are annexed as R-III and R-IV).

From the above statements of facts it is evident that the final eligibility list as on 1.1.82 circulated vide C.M. dated 16.9.88 read with corrigendum dated 15.11.88 was prepared in compliance with the directions contained in two judgments dated 5.3.87 and 29.4.88. As such the positions assigned in the eligibility list to the Applicants viz a viz the Respondent No- 3 are also in ~~acc~~ accordance with the principles laid down/underlined in the two judgments delivered by Hon'ble CAT Benches Jabalpur and Calcutta respectively in addition to DOP & T instructions on the subject.

6. That with regard to para 4(8) to 4.12, the respondents beg to state that the contents of these paras are matter of record are admitted. However, it is stated that the draft eligibility list as on 1.1.1982 was prepared in terms of judgment dated 5.3.87 delivered by Hon'ble CAT, Jabalpur Bench in TAA 104/86 filed by Shri V.L.N. Rao and also judgment dated 29.4.88 ~~filed~~ in O.A. 671/87 filed at CAT, Bench Calcutta and was circulated on 2.8.88 for inviting objections. The draft eligibility/ Seniority list. The objections received were examined ~~was~~ and final seniority list circulated on 16.9.88 followed by a corrigendum dated 15.11.1988 (Annexed as Annexure - R-IV wherein Shri M.D. Samal finds place

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between Shri J.P. Bhatt and Shri T.T. Haokkip being date of ad hoc appointment as Transmission Executive with effect from 21.9.70 followed by regular appointment with effect from 19.8.1976.

7. That with regard to para - 4.13, the respondents beg to state that the contents of this para are matter of records and need no comments. It may however be indicated that when the DPC was convened on 25th and 26th August 87 in pursuance of the Judgment of the Hon'ble CAT, Jabalpur Bench, the eligibility list which was taken into account was the one which was prepared to impliment the directions contained in the judgment dated 5.3.87 in O.A. No- TAA 104/86 and was circulated vide O.M. No-4/8/87 SI(B) dated 13.8.87 read with O.L. No-4/8/87 SI(B) dated 20.8.87. In this eligibility list only those TREXs were included who had completed 8 years of regular service as on 31.12.81. Since Applicants joined the cadre of INEX on 10.5.76, their names were not included in the eligibility list and as such the consideration of their names by the DPC held on 25th and 26th August 1987 does not arise. However, as already stated the eligibility list dated 13/8/87 was further received following the judgment dated 29/4/88 in CA No-671/87 by the Hon'ble CAT Calcutta Bench and circulated vide O.M.NO-4(8)/87 SI(B)/S-VII dated 16/9/88. In this revised eligibility list TREXs with five years regular service as on 31/12/81 were also included and the applicants in the eligibility list figured at S.No.293 and 202 respectively. On the basis of this eligibility list dated 16/9/88, the recommendations of the review DPC held on 25th and 26th August 1987 were

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further reviewed by the DPC held on 22.11.88. The last TRES recommended for promotion by the DPC held on 22.11.88 figures at S.No.179 of the eligibility list dated 16.9.88. The applicants could not be promoted in the absence of the requisite number of vacancies.

8. That with regard to para - 4.14 of O.A., the respondents beg to state that this Directorate has issued order No-137/88-SI(B) dated 28.11.88 promoting 161 Transmission Executives to the grade of programme Executive. The promotion order dated 28.11.88 also included the names of the 117 TRES promoted vide order No-79/87 SI(B) dt.28.8.87. These promotion orders were made on the recommendations of special DPC held on 22.11.88 which was convened to consider the suitability of eligible Transmission Executive to the cadre of Programme Executive in terms of judgment dated 29.4.1988 of the Hon'ble CAT, Calcutta Bench in OA No-671/87 read with judgment dated 5/3/87 of the Hon'ble CAT, Jabalpur Bench in OA No-TAA-104/86. In this special DPC TRES who were considered and promoted were the ones who joined AIR before December 1975. The interse seniority of the TRES promoted to the grade of PEX on the recommendations of the DPC held on 22.11.88 was amalgated with the Transmission Executive who were promoted vide DG: AIR Order No-79/87-SI(B) dated 28.8.87. It is further stated that Transmission Executive Figuring upto S.No. 179 of all India Eligibility list of Transmission Executives in AIR and Doordarshan Circulated by this Directorate letter No-4(8)/87-SI(B)/S VII dated 16.9.88 was the las TRES promoted. The names of the applicants figured at S.No.202 and 203 of this eligibility list.

Though their cases for promotion could not be considered for promotion because of non availability of requisite number of vacancies available at that time. It may be pointed out that simply because the applicants were eligible for promotion as Programme Executive in 1981 having completed 5 years services does not mean automatic promotion. Promotion of a Govt. servant depends upon a number of factor like eligibility, vigilance clearance, assessment of ~~Xr~~ performances as recorded in CRs availability vacancies at the relevant point of time etc .

9. That with regard to para - 4.15, the respondents beg to state that the applicants were promoted to the grade ~~of~~ of Programme Executive in 1989 vide order No-116/89 SI(B) dated 27.10.89 as and when their turn came against the vacancies which occurred during the year 1989.

There is no case for promotion of the applicants from retrospective date. Respondent No- 3 namely Shri M.D. Samal is senior in the seniority list/eligibility list circulated on 16.9.88 read with corrigendum No-4/8/87 SI(B)/SVII DATED 15/11/88. The date of continuous appointment in respect of Respondent No- 3 has been taken as 21.9.70 in the grade of TRES for the purpose of seniority terms of CAT judgment dated 5.3.87 and his name figures between S.No. 33 and S.N. 34 and as such he is senior to the applicants whose names figures at S.No. 203 and 202 Respondents No- 3 was promoted vide order No-4(50)/82 SI dated 16.3.83 against the vacancies which occurred during 1982.

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It is further stated that the circumstances under which Respondent No- 3 was placed senior in the seniority list/ Eligibility of TREXs as on 1.1.82 have been explained vide speaking order No- 6(31)/92-SI(B) dated 19.6.96 and another order No-6/31/92 dtd 19.6.2000 in compliance to the directions contained in CAT orders dtd.7.12.95 and order dated 23.12.99 in OA No-153/92 and in OA No-131/97 respectively.

10. That with regard to para - 4.16, the respondents beg to state that the draft eligibility list vide No-4(8)/87-SI (B)/SVII dtd 2.8.88 was circulated for inviting objections only. The objections received were examined and final eligibility list was circulated on 16.9.88 followed by corrigendum dtd. 15.11.88. Respondent No- 3 was appointed as Transmission Executive w.e.f.21.9.70 on ad hoc basis and from 19.8.76 on regular basis. Period of ad hoc promotion rendered by TREXs followed by regular appointment to the grade was taken into consideration while deciding seniority in the grade of TREX in terms of judgment dtd 5.3.87 of the Hon'ble CAT, Bench Jabalpur in OA No-TAA 104/86. The applicants were appointed as TREX on 10/5/76 as direct recruits. Applicants are not senior to respondent No- 3 and therefore they do not have any case for consideration for promotion from the date from which respondent No-3 was promoted.

11. That with regard to para - 4.17, the respondents beg to state that the applicant No- 1 submitted a representation dtd 20.6.90 and reply sent to him in Feb'91 indicating that representation of Shri Das was considered but it was not clear as to who was the persons ~~junior~~ junior to him. Applicant No- 1 had not submitted any clarification as asked for. It is admitted that the applicant No- 1 and 2 had filed an CA

OA No-163/92 in the Hon'ble CAT, Guwahati Bench agitating similar grievance that they are senior to the respondent No-3 in the feeder grade of Transmission Executive and were ignored in the matter of promotion.

The Hon'ble CAT, Guwahati Bench in its order dtd. 7.12.95 has given the direction to the Director General, All India Radio (Respondent No-2) to dispose of the representation dated 30/4/91 by the applicant No- 1 on merit and convey his decision in the form of a speaking order to the applicants. The representation dated 30/4/91 was duly examined in the office of respondent No- 2 and a speaking order No- 6 (31)92-SI(B) dated 19/6/96 issued and communicated to them. The representation dtd. 30/4/91 of applicant No- 1 together with their pleas raised in OA No-163/92 were found as lacking in substance and therefore rejected on merits.

The applicants filed another OA No-131/97 in the Hon'ble CAT, Guwahati Bench which was disposed of by the Hon'ble CAT vide order dated 23.12.99 with the following directions.

Para-8 in view of the above we direct the respondents to reconsider the case of the applicants. While considering the matter the applicants shall consider whether the case of the applicants were considered at the time when the second batch of promotions had been made as the applicants were placed at S.NO 200 and 199 respectively in the eligibility list. If they were considered on what ground their case was rejected and whether any junior had been promoted at the time of giving promotions to the said second batch of the 67 persons.

There after, the respondents shall dispose of the entire matter by passing a reasoned order. The applicants may also file a fresh representation within one month from today and if such representation is filed the respondents shall consider that also and dispose of the same by a reasoned order within three months from the date of the receipt of the fresh representation and communicate the decision to the applicants. If the applicants are still aggrieved they may approach the appropriate authority."

The representations dated 1.3.2000 and 17.4.2000 received afresh from the applicants were examined in the office of the respondent No- 2 and the order No-6(31)92-SI dtd 19.6.2000 were served on the applicants making clear that the respondent did not found any ground pleaded in their representations dated 6.3.2000 and 17.4.2000 representative, substantial enough to interfere with the eligibility list as on 1.1.1982 circulated vide O.M. No. 4/8/87 SI(B)/S VII dtd 16.9.88 and promotions made on its basis.

12. That with regard to para - 4.24 to 4.25, the respondents beg to state that Advertisements made by applicants are not correct hence denied. The promotion of respondent No-3 was made vide order No- 4(50)/82 SI dated 16.3.83 and he assumed the charge of the programme Executive on 27.4.83. The DPC for promotion was held on 24.12.82. On the other hand the promotion of the applicants was against the posts which occurred subsequently during the year 1989. The DPC for these posts was held on 26.10.89.

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As already stated in the foregoing paragraphs the Eligibility list as on 1.1.82 issued vide C.M. No-5/33/79-SI dtd 21.6.82 was repeatedly challenged in the Hon'ble CAT Benches and the final Eligibility List was prepared in accordance with the principles laid down in various judgments and also taking into view DP&T's instructions on the subject and was firmed up and circulated vide C.M. dated 16.9.88 read with corrigendum dtd. 15.11.88. While delivering the judgment dtd. 5.3.87 in O.A. 104/86 vide which the eligibility list issued vide O.M. dtd.21.6.82 was quashed and direction was given to draw a fresh eligibility list in accordance with the principles laid down in para - 12 and 13 of the judgment the Hon'ble CAT and also directed that no officer who has already been promoted as PEX. On the basis of earlier eligibility list shall be adversely affected or reverted. The Respondent No-3 promoted vide order dtd. 16.3.83 is thus protected by the directions of the Hon'ble CAT Bench Jabalpur vide their judgment dtd.5.3.87. The entire factual position has been communicated to the applicants vide order No-6(31)/92 SI(B) dtd.19.6.2000.

From the facts stated herein above and the facts indicated in the order dated 19.6.2000 communicated to applicants there remains no doubt that the action taken by the official Respondent in preparing the Eligibility List as on 1.1.82 circulated vide C.M. No.4(8)/87 SI(B)/S VII dated 16.9.88 followed by a corrigendum dtd.15.11.88 and holding of the Special DPC on 25/26.8.87 and 22.11.88 for promotion to the grade of PEX including the promotion of the respondent No- 3 vide order No- 4(50)/82 SI dtd.16.3.83 is within the parameters set in the judgment dtd. 5.3.87 by the Hon'ble CAT, Bench Jabalpur in C.A. No-TAA 104/86 and also the judgment dtd.29.4.88 in CA

No-671/87 by the Hon'ble CAT, Bench Calcutta.

13. That with regard to para No-4.26, the respondents beg to state that as already stated in reply to paras 4.24 to 4.25 the DPCs were held for promotion to the grade of PEX taking into account year-wise vacancies and the eligibility list prepared in accordance with the principles laid down in the judgments dated 5.3.87 by the Hon'ble CAT, Jabalpur Bench and judgment dated 29-4-88 by the Hon'ble CAT, Calcutta Bench in O.A.-671/87. Whereas the promotion of the respondent No- 3 whose name figures in the eligibility list between 33 and 34 is against the vacancies for the year 1983. The promotion of the Applicants whose name figure in the aforesaid eligibility list at S.No.203 and 202 respectively were considered and promoted subsequently against the vacancies which occurred during the year 1989.

14. That with regard to para - 4.27, the respondents beg to state that as already stated in paras-4.24 to 4.25 that the DPCs were held for promotion to the grade of PEX after taking into account year wise vacancies and the eligibility list prepared in accordance with the principles laid down in the judgment dated 5.3.87 by the Hon'ble CAT, Bench Jabalpur and dtd 29.4.88 by the Hon'ble CAT, Calcutta Bench in OA No- 671/87. Whereas the promotion of the Respondent No-3 whose name figures in the eligibility List between 33 and 34 is against the vacancies for the year 1982, the promotion of the applicants whose name figures in the aforesaid eligibiliti list as S.NO.203 and 202 were considered and promoted against the vacancies occurred during the year 1989.

15. That with regard to para - 5.1, the respondents beg to state that the contents of this para are denied. The eligibility list as on 1.1.82 has been prepared in accordance with the principles laid down in judgment dtd. 5.3.87 of the Hon'ble CAT Jabalpur Bench in C.A.No-TAA-104/86. The entire gamut of guidelines followed for preparing the eligibility list/Seniority list for Transmission Executives as on 1.1.82 circulated vide No-4/8/87 SI(B)/S VII dated 13.8.87 and 15.9.88, on the basis of which DPCS were held on 25/26.8.87 and 22.11.88 has been considered and decided by the Hon'ble CATs, Jabalpur Bench and Calcutta Bench in their judgment dtd 5.3.87 and dtd 29.4.88. As such the promotion of 161 Transmission Executives recommended by the DPCs held on 25/26.8.87 and 22.11.88 vide orders dated 28.8.87 and 28.11.88 are beyond impugment. Therefore, the action taken by the department in preparing the eligibility list as on 1.1.82 circulated vide No- 4/8/87 SI(B)/S VII dtd. 15.9.88 and holding of the special review DPCs on 25/26.8.87 and 22.11.88 for promotion to the grade of Programme Executive including the promotion of Respondent No-3 is strictly within the parameters set in the aforesaid judgments.

16. That with regard to para- 5.2, the respondents beg to state that the order No- 16.6.2000 is quite elaborate and detailed one issued after indepth examination by the competent authority and therefore a speaking order.

17. That with regard to para - 5.3, the respondents beg to state that th Respondent No-3 is senior to the applicants when seen with reference to the eligibility list issued vide C.M. dtd.15.9.88 read with a corrigendum dtd. 15.11.88.

18. That with regard to para- 5.4, the respondents beg to state that the promotion of respondents No-3 was vide order No- 4(50)/82 SI dtd.16.3.83 and he assured the charge of the post of the Programme Executive on 27.4.83. The DPC for promotion was laid on 24.12.82. On the other hand the promotion of the applicants were against the posts ~~wh~~ which occurred subsequently during the year 1989. The DPC for these post was held on 26.10.89. As already stated in the foregoing paras the eligibility list as on 1.1.82 issued vide O.M.No-5/33/79 SI dated 21.6.82 was repeatedly Challenged in Hon'ble CA T Benches and the eligibility list was prepared in accordance with the principles laid down in various judgments and also after taking into account DP & T's instructions on the subject and circulated vide O.M.dtd.16.9.88 read with corrigendum dtd.15.11.88. While delivering the judgment dtd.5.3.87 in CA No-TAA-104/86 vide which the eligibility list issued vide O.M.dtd.21.6.82 was quashed and direction was given to draw a fresh ~~xxxx~~ eligibility list in accordance with the principles laid down in paras 12 and 13 of the judgment. The Hon'ble CAT Jabalpur Bench had interalia considered the issue relating to the period when the promotion was ad hoc the way how to treat it while drawing the eligibility list as on 1.1.82. The Hon'ble CA T has also directed that no ~~further~~ officer who has already been promoted as PEX on the basis of earlier's eligibility list shall be adversely affected or reverted. The respondents No- 3 promoted vide order dtd.16.3.83 is thus protected by the directions of the Hon'ble CAT, Jabalpur Bench vide their judgment dtd.5.3.87. The entire factual position has been communicated to the applicants vide order No-6(31)/92 SI(B) dtd 19.6.2000.

From the facts stated hereinabove and the facts ~~in~~ indicated in the order dtd. 19.6.2000 communicated to applicants there remains no doubt that the action taken by the official respondent in preparing the eligibility list as on 1.1.82 circulated vide O.M. No-4(8)/87 SI(B)/S VII dtd 16.9.88 followed by a corrigendum dtd. 15.11.88 for promotion of the respondent No-3 vide order No-4(50)/82 SI dtd. 16.3.83 is within the parameters set in the judgment dtd. 5.3.87 by the Hon'ble CAT, Jabalpur Bench in OA No-TAA-104/86 and the judgment dtd 29.4.88 in OA No-671/87 by the Hon'ble CAT, Calcutta Bench.

19. That with regard to para - 5.5, the respondents beg to state that the contents of this para are denied. In fact the action taken by the official respondents and for that matter the promotion of respondent No-3 is in accordance with the observations made in the judgments dtd. 5.3.87 by the Hon'ble CAT, Jabalpur Bench and also judgment dt. 29.4.88 by ~~KXX~~ Hon'ble CAT, Calcutta Bench.

20. That with regard to para - 5.6, the respondents beg to state that there is no violation of Article 14 and 16 of the Constitution of India. The respondent No- 3 and the applicants were considered for promotion in their turns.

21. That with regard to para-5.7, the respondents beg to state that the action taken by the respondent is strictly in accordance with the Rules and the observations made by the Hon'ble CAT Jabalpur and Calcutta Benches in the judgments delivered in OAs No-TAA No-104/86 and 671/87 respectively.

22. That with regard to para 6, the respondents beg to state that in this connection it is stated that the applicants already had filled two OAs No-163/92 and 131/97 and the respondents after following the directions given

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in the order dt 7.12.95 and 23.12.99 respectively, have already communicated to the applicants quite elaborately the factual position leading to the promotion of the respondent No- 3 and also their respective positions in the eligibility list issued vide O.M. dtd.16.9.88 read with a corrigendum dtd.15.11.88.

23. That with regard to para - 7, the respondents beg~~g~~ to ~~xxxx~~ ~~xxxx~~ offer no comments.

24. That with regard to para - 8.1, the respondents beg to state that the applicants are claiming themselves to be senior to respondent No- 3 which is not correct. Respondent No-3 was appointed as Transmission Executive with effect from 21.9.1970 on ad hoc basis and the same was regularised with effect from 19.8.1976. Ad hoc service followed by regular service was taken into account for deciding the eligibility in terms of judgment dt.5.3.87 delivered by Hon'ble CAT, Jabalpur Bench and therefore the applicants have no claim to be senior by virtue of their being appointed as Transmission Executive with effect from 10.5.76. They also do not have any claim for retrospective promotion as the respondent No-3 was promoted vide order No- 4(50)/82 dt.16.3.83 against the the charge of the post of PEX on 27.4.83.

The applicants were considered for promotion in the DPC held on 26.10.89 against the vacancies which occurred during the year 1989 and were promoted vide order No-116/89 SI(B) dt.27.10.89.

In the light of facts made hereinabove there is no merit in the present application and therefore it is prayed that the application be dismissed with suitable costs.

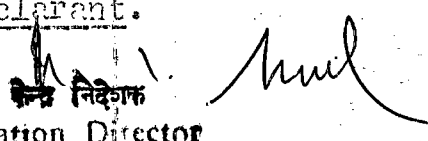
V E R I F I C A T I O N

V E R I F I C A T I O N .

I, Shri H. Phangluaia, SD, AIR, Guwahati presently working as Station Director (S.G) be duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 5, 6, 10, 11, 13 to 21, 23 and 24 are true to my knowledge and belief, these made in para 2 to 9, 11, 12 and 22 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this 30th day of April 2002.

Declarant.


Station Director
সংস্করণবাণী, গুৱাহাটী
All India Radio, Guwahati.

29/11/02

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Filed by
the applicant through
Ashra Das
Advocate
29/11/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.254/01

Monoranjan Das & Ors.
..... Applicants.

-versus-

Union Of India & Ors.
..... Respondents.

Rejoinder to the Written Statement filed by Respondent.

1. That the applicants have received the copy of the written statement and have gone through the same. Save and except the statement which are specifically admitted herein below, rests may be treated as total denial.

2. That with regard to the statement made in para-1 of the written statement the applicants offer no comment on it.

3. That with regard to the statement made in para-2 of the written statement the applicants while denying the contention made therein and beg to state that both of them joined the post of Transmission Executive on 10.5.76 whereas on 19.8.76 Respondent No.3 got his ad-hoc promotion as Transmission Executive. Admittedly, respondent No.3 is Junior to the applicants. Even the Ad-hoc service of the Respondent No.3 if counted as regular service, he is junior to the present applicants.

4. That with regard to the statement made in para-3 of the written statement the applicants beg to state that the question involved in the present application is prior to modification of the Recruitment Rules and hence same will not be applicable in the present case.

5. That with regard to the statement made in para-4 of the written statement the applicants while denying the contentions made therein beg to state that delay in finalising the Recruitment Rules can not be a ground for giving promotion to juniors ignoring the case of the applicants more so where in the said promotion for such promotion to the post of Programme Executive. Even adding the ad-hoc serving of the Respondent No.3 the applicants can not be held to be juniors to him as he got his ad-hoc promotion only on 19.8.76.

6. That with regard to the statement made in para-5 of the written statement the applicants while denying the contention made therein beg to reiterate and reaffirm the statement made in the OA and beg to state that Respondent No.3 got his promotion on the basis of an eligibility list which was declared as null and void by a judgement dated 5.3.87 passed in OA No.TAA104/86(3) (VLN Rao-vs-U.O.I & Ors.) by the Hon'ble Central Administrative Tribunal, Jabbalpur Bench. However, the respondent No.1 and 2 promoted the respondent No.3 on the basis of incorrect eligibility list, which has been quashed by the Hon'ble Jabbalpur Bench of Central Administrative Tribunal. The respondents thereafter corrected the eligibility list as on 1.1.82 and both the applicants name figured at Sl.No.202 & 203.

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7. That with regard to the statement made in para-6 of the written statement the applicants while denying the contentions made therein beg to state that the corrigendum issued by the respondents dated 15.11.88 is not as not as per law. The name of Respondent No.3 has been omitted in the revised eligibility list deliberately. Admittedly Respondent No.3 got his ad-hoc promotion after the applicants got their direct recruitment. The Respondent No.1 and 2 ignoring the fact as well as the inter-se seniority placed the Respondent No.3 in the said eligibility list (Annexure-1) above the applicants, but the said Annexure-1 list since been quashed question of retaining the seniority does not exist and under no circumstances the Respondent No.3 can be held to be senior to the applicants. Even computing the ad-hoc service of Respondent No.3 as regular service the Respondents can not hold the applicants as Junior to the Respondent No.3.

8. That with regard to the statement made in para-7 of the written statement the applicants while denying the contentions made therein beg to state that the issue involve in this case is not at all connected with the crux of the matter relate to the action on the part of the respondent No.1 and 2 in promoting the Respondent No.3 in 1983 superseding the applicants who were admittedly senior to respondent No.3. As per the verdict of the Hon'ble Central Administrative Tribunal, Calcutta Bench, the applicants who had completed 5 years of service in 1981 were also eligible.

9. That with regard to the statement made in para-8 of the written statement the applicants while reiterating

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the statement made above as well as in the OA beg to state that the name of the Respondent No.3 was deliberately omitted from the two revised eligibility lists. In fact, Respondent No.3 got his promotion in the year 1983 itself as per the 1981 eligibility list which was declared as null and void. The Respondents in their written statement however never mentioned regarding the procedure under which Respondent No.3 has been given the promotion as Programme Executive. It is pertinent to mention here that there was no DPC w.e.f. 1983-89 and by the special DPC gave promotion to 278 Transmission Executive to Programme Executive giving retrospective effect w.e.f 1983. But, the respondents failed to maintain the standard of criteria laid down for such promotion. When vacancies surfaced both the applicants got their promotion vide order dated 27.10.89 but effect of such promotion was never made retrospective i.e. w.e.f. 1983. As on 1981 both the applicants were very much within the zone of consideration and they were eligible for promotion as Programme Executive.

10. That with regard to the statement made in para-9 of the written statement the applicants while denying the contention made therein beg to state that Respondent No.3 born in the cadre of Transmission Executive on 19.8.76 that too on ad-hoc basis which was subsequently regularised and thus question of assigning him the seniority in the seniority list circulated on 16.9.88 read with corrigendum dated 15.11.88 at serial No. between 33 and 34 and treating him be in the cadre of Transmission Executive as 21.9.70 does not arise. The Respondent No.3 as on 21.9.70 was not where in the cadre of Transmission Executive. Only on

19.8.76 he got promotion on ad-hoc basis as Transmission Executive. The question of treating the Respondent No.3 as Transmission Executive w.e.f. 21.9.78 is a new development made by the respondents in their written statement and that shows their vindictive attitude. The judgements referred to above never indicated anything regarding counting the past service except the ad-hoc service. The Respondents however, extended the benefit of counting of ad-hoc service to the Respondent No.3, but there is no scope for counting service other than the service rendered in the cadre. It is stated that the Respondent No.3 was promoted to the post of Programme Executive taking into consideration the eligibility list as on 1981 which was held to be null and void and these statements how ever have not been replied by the Respondents deliberately to mislead the Hon'ble Tribunal.

11. That with regard to the statement made in para-10 of the written statement the applicants while denying the contention made therein beg to state that under no circumstances the Respondent No.3 who is a later recruitee in the cadre of Transmission Executive that too on ad-hoc basis can not be held to be senior than the present applicants. The judgement of the Hon'ble Tribunal, Jabbalpur Bench only indicated the fact that the ad-hoc service/continuous officiation period of Ad-hoc Transmission Executive would be regularised taking into consideration the date of DPC. In the present case Respondent No.3 joined as Transmission Executive on 19.8.76 as an ad-hoc promotee and the Respondents No.1 and 2 have regularised his service w.e.f. 19.8.76 itself counting his service period on ad-hoc basis as regular.

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12. That with regard to the statement made in para-11 of the written statement the applicants deny the correctness of the same and reiterate and reaffirm the statement made above as well as in the OA.

13. That with regard to the statement made in para-12 of the written statement the applicants while reiterating and reaffirming the statement made above as well as in the OA beg to state that the Respondent No.3 got the promotion to the post of Programme Executive on the basis of an eligibility list which was held to be null and void and thus the promotion made to him to the post of Programme Executive in 1983 has got no legal sanctity. The para 12 and 13 of the judgement referred to in the written statement filed by the respondents does not indicate counting of officiating service other than in the cadre of Transmission Executive . Admittedly , in the year 1989 the applicants got their promotion to the post of Programme Executive but protection as reflected in the judgement has not been extended to the present applicants regarding restoration of seniority and in respect of giving retrospective/notional promotional benefit. It is pertinent to mention here that the benefit of the judgement has been extended to one set of Transmission Executives who got their promotion vide Annexure-6 letter dated 21.4.89 and in their case the said order of promotion to the post of Programme Executive has been made effective from 18.4.83 that is the date on which Respondent No.3 got promotion to the post of Programme Executive on the basis of the eligibility list of 1981 which was subsequently declared null and void. The aforementioned judgement referred to by the Respondents although quashed 1981

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eligibility list, but the promotions made pursuant to the said list has been restored and alternatively extended the benefit of retrospectivity to others from the date of their promotion taking into consideration the inter-se seniority in the cadre of Transmission Executive.

14. That with regard to the statement made in para-13 of the written statement the applicants beg to state that the contentions raised by the Respondents are contradictory and same is in direct violation of the judgement and order dated 5.3.87 passed by the Central Administrative Tribunal, Jabbalpur Bench. Taking into consideration the aforesaid judgement the respondents ought to have promoted the applicants with retrospective effect as has been done in case of other similarly situated employees vide Annexure-6 order dated 21.4.89.

15. That with regard to the statement made in para-14 to 24 of the written statement the applicants while reiterating and reaffirming the statements made above as well as in the OA denies the correctness of the same.

That the applicants taking into consideration aforesaid facts and circumstances beg to state that the anomalies and erroneous fixation of seniority of Respondent No.3 created difficulties in assigning the effective date of promotion. The sole controversy arising out of this application is relating to interpretation of para 12 and 13 of the Central Administrative Tribunal, Jabbalpur Bench judgement. The Jabbalpur Judgement protected the interest of persons who got promotion from the 1981 eligibility list. At the same time benefit of retrospectivity has been extended

to the Transmission Executives having contentions raised by the Respondents regarding extension of the benefits of the Judgement to Respondent No.3 does not arise. In fact, barring protection of their erroneous promotion no relief was granted to the Respondent No.3 including those erroneously promoted persons. The Respondent No.1 & 2 now can not extend the benefit of counting of Ad-hoc service to the Respondent No.3 who was in receipt of the benefit of erroneous promotion.

It is further stated that the Respondents have tried to justify their action by quoting the judgement passed by the Hon'ble Central Administrative Tribunal, Jabbalpur Bench, but at the same time they remain silent as regard the claim of the applicants regarding their promotion with retrospective effect as has been done in case of other similarly situated employees. The Annexure-6 letter dated 21.4.89 indicates the fact that the Respondents adhering to the directives of the Central Administrative Tribunal, Jabbalpur Bench Judgement extended the benefit of retrospectivity to one set of employees without raising the issue of the date of occurrence of the vacancies but from the written statement it appears that for want of vacancy the benefit of retrospective promotion was not extended to the present applicants. This indicates the vindictive attitude of the respondents in not extending the benefit flown from the said Judgement. The Respondents taking into consideration the facts narrated above ought to have promoted the present applicants to the post of Programme Executive w.e.f 1983, the date from which the Respondent No.3 was so promoted.

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VERIFICATION

I, Shri Monoranjan Das , son of Late J.N.Das, aged about 51 years, at present working as Programme Executive, All India Radio, Guwahati, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 6; 8 and 10 to 15 are true to my knowledge and those made in paragraphs 7 and 9..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case. I have also been duly authorised to swear this verification on behalf of the Applicant No.2.

And I sign on this the Verification on this the 28th day of May of 2002.

Monoranjan Das
Signature.