

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 348 of 2004

Jabalpur, this the 27th day of April, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.S. Sanghvi, Judicial Member

Lal Ram Kumar Singh
Aged about 66 years
Announcer Sr. Grade (Since Retired)
All India Radio, Raipur
R/o C-22, Vallabh Colony
Raipur (Chhattisgarh).

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India
through its Secretary
Deptt. of Information and Broad
Casting Shastri Bhawan,
2. The Director General
All India Radio,
Akashwani Bhawan
Parliament Street
New Delhi.
3. The Station Director
All India Radio,
P.B.No.97,
Raipur (Chhattisgarh)
492001
4. Smt. Chitra Bhadwri
Announcer Grade-II
(Selection Grade)
Through The Director General
All India Radio,
Akashwani Bhawan
Parliament Street
New Delhi.

RESPONDENTS

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main relief :-

"(ii) Upon holding that the inaction of the department in not considering the case of the applicant for promotion to the post of Announcer Grade-II (Selection Grade) from the date of his junior/private respondent is promoted, is bad in law and accordingly the respondents be commanded to consider the case of the applicant for the post of Announcer Grade-II (Selection Grade) Rs. 2000-3200 from the date the private respondents and other junior were promoted".



3. The brief facts of the case are that the applicant was working as Announcer Senior Grade with the respondents No.3. He was illegally retired on attaining the age of 58 years. Feeling aggrieved with this action, he had filed OA No. 794/96. The Tribunal vide order dated 23.10.2002 disposed of the aforesaid OA with the following direction :-

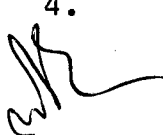
" 5.1 direct the respondent No.2 consider the case of the applicant, if any benefit has been given to other employees who have opted subsequent to Cut off date. It may be clarified that the applicant will not be entitled to any salary and wages from the date of his retirement on 31.8.1995 till his age of superannuation on attaining the age of 50 years as he had not rendered any service. However, if any benefit relating to retiral dues and pension have been extended to other employees, the same may be extended to the applicant provided the case of the applicant is similar to such other employee"

In the meantime a DPC was held to consider the persons, junior to the applicant, for promotion to the post of Senior Announcer Grade-II. In compliance of the order of the Tribunal dated 23.10.02 in OA No. 794/96, the respondents have passed the following order on 6.8.03 (Annexure-A-2) :-

"2. Order dated 23.10.02 passed by Hon'ble CAT, Jabalpur in OA 794/96 has been examined in this directorate in Consultation with Ministry of Information & Broadcasting. It has been decided that the order dated 25.10.02 may be implemented to the extent that Sh. Singh may be deemed to have retired on attaining the age of 60 years. He may be given the pensionary benefits on the basis of his pay & allowances notionally fixed upto the date of his retirement. However, Sh. Singh will not be entitled to any arrears of salary and wage from 31.08.95 till his notional date of retirement on attaining the age of 60 years"

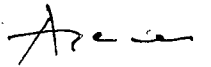
Since, the applicant was retired on attaining the age of 58 years, he was not considered and could not be promoted to the post of Announcer Gr.II. The applicant has submitted his representation dated 22.1.2004 (Annexure-A-5) to the respondents. Till now the respondents have not decided the aforesaid representation of the applicant.


4. Heard the learned counsel for the applicant.



5. Keeping in view the facts and circumstances of the case, we deem it appropriate to direct the respondents to consider the aforesaid representation dated 22.1.04 (Annexure-A-5) of the applicant and decide the same by passing a detailed, reasoned and speaking order within a period of three months from the date of receipt of copy of this order. We do so accordingly. The applicant is directed to send a copy of this order alongwith OA to the respondents within a period of 15 days from the date of receipt of copy of this order.

6. With the above directions, the OA is disposed of at the admission stage itself.


(A.S. Sanghvi)
Judicial Member


(M.P. Singh)
Vice Chairman

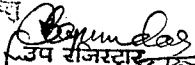
SKM

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिविधि कार्यविधि:-

- (1) सचिव, उच्च न्यायालय का सचिव, जबलपुर
- (2) आवेदक की/कीमती/पु.....के काउंसल S. Paul
- (3) प्रत्यर्पी की/कीमती/पु.....के काउंसल
- (4) बंधपाल, को.प.अ., जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु


उप निजिस्टार 8/5/04

Forwarded
on
06-05-04