

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A.No.4282/2013

Monday, this the 2<sup>nd</sup> day of November 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)**  
**Hon'ble Mr. V.N. Gaur, Member (A)**

1. Mr. U K Sikri, age 51 years  
Working as Asst. Director (Engg.)  
DG, Doordarshan  
Mandi House, New Delhi-1  
s/o Mr. Ram Lal Sikri  
H.No.50, 4 Marla  
Gurgaon – Haryana-122201
2. Mr. Veer Singh, age 52 years  
Working as Asst. Director (Engg.)  
o/o ADG (R&D) All India and Doordarshan  
14 B Indraprastha Estate  
Ring Road New Delhi-2  
s/o Mr. Samman Singh  
r/o 4C/317, Vartalok  
Vasundhra, Gaziabad (UP)
3. Mr. Girish Chand Sharma, age 51 years  
Working as Asst. Director (Engg.)  
o/o ADG-E North Zone  
AIR & Doordarshan  
Jam Nagar House  
Shahjahan Road, New Delhi-11  
s/o Mr. Balkishan Sharma  
r/o M-114 A Street No.8  
Shastri Nagar, Delhi-52
4. Mr. S P S Gulati, age 53 years  
Working as Asst. Director (Engg.)  
Doordarshan Kendra  
Mandi House, New Delhi-1  
s/o Mr. R.S. Gulati age 53 years  
GD 5, G Block, Hari Nagar  
Jail Road, New Delhi-58  
s/o Mr. Balkishan Sharma  
r/o M-114 A Street No.8  
Shastri Nagar, Delhi-52
5. Mr. Anil Kumar Arora, age 50 years  
Working as Asst. Director (Engg.)  
Doordarshan Kendra  
Mandi House, New Delhi-1  
s/o Mr. R L Arora

r/o 307, SFS Flats  
Mukarjee Nagar, Delhi-9

6. Mr. Rajan Chopra, age 51 years  
Working as Asst. Director (Engg.)  
P&D DG: AIR, All India Radio  
New Delhi-1  
s/o Mr. K L Chopra  
r/o 11B SFS Cat I Flats  
Sheikh Sarai Phase I  
New Delhi-17
7. Mr. Ajay Kumar Jaiswal, age 54 years  
Working as Asst. Director (Engg.)  
DG, Doordarshan  
Mandi House, New Delhi-1  
s/o late Mr. Shyam Lal Jaiswal  
HC-4/12, Lajpat Apartment,  
Lajpat Nagar  
Sahibabad (Ghaziabad) 201005
8. Mr. Jagpal Singh, age 51 years  
Working as Asst. Director (Engg.)  
HPT AIR, All India Radio  
Aligarh  
s/o Mr. Devi Ram,  
r/o AIR Col.  
HPT, All India Radio, Aligarh
9. Mr. Kannu Singh Harit, age 53 years  
Working as Asst. Director (Engg.)  
Doordarshan Kendra  
Mandi House, New Delhi-1  
s/o Mr. Kalu Singh  
r/o 79, Shiva Khand Vishkarma Nagar  
Delhi-95
10. Mr. A.K. Bhardwaj, age 53  
o/o ADG-E North Zone  
AIR & Doordarshan  
Jam Nagar House  
Shahjahan Road, New Delhi-11  
s/o Mr. B L Bhardwaj  
63 SFS Flats  
Mukharjee Apartments, Dr. Mukherjee Nagar  
Delhi-9
11. Mr. Bal Krishna, age 52 years  
Working as Asst. Director (Engg.)  
HPT Kindsway, All India Radio  
Kingsway Camp, Delhi-1  
s/o late Mr. Ram Charan Singh  
r/o A 792 Meet Nagar  
Delhi-94

12. Ms. Raj Sharma age 56 years  
Working as Asst. Director (Engg.)  
DG, Doordarshan, Mandi House  
New Delhi  
d/o Mr. N C Sharma  
A/30 Pandara Road, New Delhi-11
13. Mr. Satyapal age 53 years  
o/o ADG-E North Zone  
AIR & Doordarshan  
Jam Nagar House  
Shahjahan Road, New Delhi-11  
s/o Mr. M S Sharma  
B-405, East Vinod Avaneue Aptt.  
Ahinsa Khand II, Indirapuram  
Ghaziabad-UP
14. Mr. Jagjivan Ram, age 52 years  
Working as Asst. Director (Engg.)  
Doordarshan Kendra  
Mandi House, New Delhi-1  
14, UF, Babar Place  
New Delhi-1
15. Mr. Rama Shankar, age 42 years  
Working as Asst. Director (Engg.)  
O/o ADG (R&D) Staff Training Institute  
All India and Doordarshan  
Kingsway Camp  
Delhi-9  
s/o Mr. Gopal Sharma  
D2/11 2<sup>nd</sup> Floor  
Radio Colony  
Kingsway Camp, Delhi-9
16. Mr. Prem Singh, age 56 years  
Working as Asst. Director (Engg.)  
DDG, HPT Khampur, All India Radio  
Kampur, Delhi  
s/o Mr. Suraj Bali Singh  
D-1/5, Radio Colony  
Kingsway Camp, Delhi-9

..Applicants

(Mr. Sachin Chauhan, Advocate)

Versus

1. Union of India through  
The Secretary to the Govt. of India  
Ministry of Information & Broadcasting  
Shastri Bhawan, New Delhi-1
2. Prasar Bharti  
Through its Chief Executive Officer  
Prasar Bharti

IIInd Floor, PTI Building  
Sansad Marg, New Delhi-1

3. The Secretary, DOPT  
Ministry of Personnel, Pension & Public Services  
North Block, New Delhi
4. The Director General  
All India Radio, Parliament Street, New Delhi
5. The Director General  
Doordarshan, Mandi House  
Copernicus Marg, New Delhi

..Respondents

(Mr. S M Arif, Advocate)

### **O R D E R (ORAL)**

**Mr. A.K. Bhardwaj:**

The applicants have filed the present Original Applications praying therein:-

“8.1 To quash and setaside the order dated 30.7.2013 to an extent that the applicants are being granted promotion to JTS (Junior Time Scale) w.e.f the date of assumption of the charge of the post at A-1

8.2 To quash and setaside order 02.8.13 is being challenged to an extent that the applicants are being granted promotion to JTS (Junior Time Scale) w.e.f. the date of assumption of the charge of the post at A-2.

8.3 To quash and setaside revised Seniority list dated 1.1.2007 of JTS (Junior Time Scale) officer of IBES (Indian Broadcasting Engineer Services) is challenged to an extent that the same is not amended subsequent to the promotion of the applicants to the grade of JTS (junior Time Scale) against the vacancies of panel year 2004 to 2005, 2005 to 2006 and 2006 to 2007.

8.4 Issue a declaration that the applicants are entitled for regular promotion in the JTS w.e.f. the date of adhoc promotion to the grade of JTS.

8.5 Issue appropriate direction directing the respondents to promote the applicants to the Senior Time Scale on completion of 4 years from the date of joining the Junior Time Scale on adhoc promotion with all consequential benefits like notional fixation and other attended benefits.

8.6 Issue appropriate directions / orders to the Respondent No.1 (Secy I&B) and Respondent No.4 DG, AIR to conduct the year wise DPC's for the cadre of STS as per the Seniority list of JTS of IBES upto 2013-14 in respect of the vacant vacancies in the grade of STS and if the applicant's are found fit then the applicants be given regular promotion to the grade of STS with all consequential benefits including seniority and promotion and pay parity & other pay and allowances.

OR

Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicants."

2. On 10.12.2013 when the Original Application came up for admission, the Tribunal passed the following Order:-

"The applicant's contention is that by the impugned Office Order dated 30.07.2013, they have been promoted as JTS of Indian Broadcasting (Engineers) Service without taking into consideration their eight years long ad hoc service. As a result, they have not been considered for further promotion to the Senior Time Scale for which DPC is likely to be held from 13.12.2013 onwards.

In our considered view, the entitlement of the applicants to be promoted taking into consideration of their ad hoc service is a disputed issue which has to be adjudicated finally. However, in the interest of justice, since the DPC is going to be held for STS, we direct the respondents to provisionally consider the applicants in the DPC. However, we make it clear that the consideration will not give any right to the applicants for any appointment till the final adjudication of this case.

Issue notice to the respondents, returnable on 07.01.2014.

Order dasti."

3. Today the parties are *ad idem* that the controversy involved in the present Original Application is, in all fours, of the Order dated 19.11.2009 passed by the Ernakulam Bench of this Tribunal in O.A. No.25/2008 – **V.K. Raveendran Achary & others v. Union of India & others.** Paragraph 10 of the said Order reads thus:-

“10. In the above facts and circumstances of the case, we allow this OA and quash and set aside Annexure A-5 order dated 5.12.2007. We also declare that the applicants are entitled for regular promotion in the JTS with effect from 29.4.1999. The respondents shall issue appropriate orders promoting the applicants to JTS from 29.4.1999 and grant all consequential benefits within two months from the date of receipt of this order. There shall be no order as to costs.”

4. In view of the stand taken by the parties, the Original Application is disposed of with direction to the respondents to extend the benefit of the aforementioned Order to the applicants herein also, with all consequences, including the promotion to the post of STS, if they are otherwise eligible, within a period of twelve weeks from the date of receipt of a copy of this Order. No costs.

**( V.N. Gaur )**  
**Member (A)**

**( A.K. Bhardwaj )**  
**Member (J)**

**November 2, 2015**  
/sunil/