

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

MA No.2395/2018

RA No.85/2018

In

OA No.216/2017

CP No.532/2018

Order Reserved on: 25.09.2018

Pronounced on:08.10.2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

1. Director General,
All India Radio,
Aakashvani Bhawan,
Sansad Marg, New Delhi
2. Chief Executive Officer,
Prasar Bharti, 2nd Floor,
PTI Buildig, Sansad Marg,
New Delhi-110001.
3. Ministry of Information & Broadcasting,
Through its Secretary,
A-Wing, Shastri Bhawan,
New Delhi-110001.

(By Advocates: Mr. S.M. Arif)

-Review Applicants

1. Rohtash Kumar Verma, DDG,
S/o Shri Harish Chander Verma,
Aged about 44 years,
R/o Flat No.77-B, Block-AD,
Pitampura, Delhi
2. Ms. P. Geetha Rani,
DDG(E), Office of ADG (E)
South Zone,
AIR & Doordarshan,
Siva Nanda Salai,
Chennai (TN)- 6000005

- Respondents

(By Advocate: Mr. Apurb Lal)

ORDER**Shri K.N.Shrivastava, Member (A):****MA No.2395/2018**

Through the medium of this Miscellaneous Application (MA), a prayer has been made by the applicant to condone the delay of 59 days in filing the Review Application (RA) No.85/2018.

2. For the reasons stated in this MA, which is duly supported by a sworn in affidavit, the MA is allowed and the delay of 59 days in filing RA No.85/2018 is condoned.

RA No.85/2018

3. This RA has been filed by the original applicants, seeking review of the Tribunal's order dated 20.12.2017 in OA No.216/2017, wherein the following directions were issued:

“4. In view of the ratio of the aforesaid judgment, when a reserved category candidate is promoted on account of accelerated promotion and later a general category candidate, who was senior in the feeder grade, is also promoted, he will regain the seniority on account of application of the ‘catch up rule’. In this view of the matter, this Original Application is allowed. The respondents are directed to determine the inter se seniority between the applicant and the respondent no.4 by applying ‘catch up rule’.”

4. The review applicants in support of their prayer have broadly averred as under:

4.1 The respondent no.1 herein/original applicant in the OA was senior to Smt. P. Geetha Rani (respondent no.2) in the feeder grade of IB (E)(S), i.e., Junior Time Scale (JTS). Smt. P. Geetha Rani was promoted to the Senior Time Scale (STS) on 05.03.1992 due to accelerated promotion, whereas respondent no.1/original applicant in the OA was promoted to STS on 06.09.1993. The respondent no.1/original applicant did not claim his seniority in STS grade on the basis of 'catch up' rule. Further, respondent no.2 was promoted to the next higher grade of JAG in the year 2009 whereas the respondent no.1/original applicant was promoted to JAG in the year 2016. It is to be noted that respondent no.2 was promoted to JAG in a normal course and not by accelerated promotion. Hence, respondent no.2 cannot claim applicability of 'catch up' rule in the JAG grade. Therefore, there is an apparent error in the order of the Tribunal dated 20.12.2017, which needs to be rectified and the order of the Tribunal needs to be reviewed.

5. We have perused the order of the Tribunal under review as also the pleadings. We have also heard rival arguments of the parties on 25.09.2018. The Tribunal has noted in the order under review that respondent no.1/original applicant was at serial no.736 in the JTS list of IB(E)(S) whereas Smt. P. Geetha Rani/respondent no.4 in the OA was at serial no.804. She got promotion to STS

Grade on 05.03.1992 on account of accelerated promotion being a reserved category candidate whereas respondent no.1/original applicant belonging to general category was promoted to STS grade on 06.09.1993 in the normal course. The Tribunal, therefore, applying the 'catch up' rule enshrined in the judgments of the Hon'ble Apex Court in **Ajit Singh Janjua-II & Ors. v. State of Punjab & Ors.**, [(1999) 7 SCC 209] and **S. Panneer Selvam & Ors. v. Government of Tamil Nadu & Ors.** [(2015) 10 SCC 292] directed vide order dated 20.12.2017 that the seniority of respondent no.1/original applicant should be fixed in the STS grade applying the 'catch up' rule. As such, we do not find any apparent error in the order of the Tribunal under review. In terms of the Tribunal's order, the seniority of the respondent no.1/original applicant has to be fixed appropriately in the STS grade and obviously his further promotion would be incumbent upon his revised seniority in the STS grade.

6. In view of the discussions in the pre-para, we do not find any merit in this RA. Accordingly, it is dismissed.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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