Central Administrative Tribunal
Principal Bench

OA No.3599/2010

New Delhi, this the 2nd day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

1. Mrs. Shehnaz Yusufzai
   w/o Shri Javed Yusufzai
   r/o B-327, New Friends Colony,
   New Delhi.

2. Smt. Madhu Mathur
   w/o Dr. Pavan Mathur
   r/o B-3/44, Janakpuri,
   New Delhi. .... Applicants.

(By Advocate, Shri M. C. Dhingra)

Versus

1. Union of India
   Through Secretary
   Ministry of Information & Broadcasting,
   Shastri Bhawan,
   New Delhi 110 001.

2. All India Radio
   Through Director General
   Akashwani Bhawan,
   Sansad Marg,
   New Delhi.

3. Union Public Service Commission
   Through its Secretary
   Dholpur House, Shahjahan Road,
   New Delhi 110 001. .... Respondents.

(By Advocate, Shri Rajeev Sharma)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicants joined the service of Doordarshan in the year 1973. In 1990, the Government of India created Prasar Bharati, which, in turn, has two wings, namely, Doordarshan and All India Radio (AIR). The applicants were brought into the service of AIR in the year 1993 in Junior Time Scale (JTS), and were promoted on ad hoc basis in the year 2000, to the Senior Time Scale (STS). Their services were regularised in that post in the year 2004.

2. The applicants contend that on completion of five years of service from the date of their ad hoc promotion to STS in the year 2000, they became eligible to be promoted to Junior Administrative Grade (JAG), and still the respondents did not consider their cases. This OA is filed with a prayer to direct the respondents to promote the applicants to JAG w.e.f. the year 2005.

3. The respondents filed the counter affidavit stating that the applicants' *ad hoc* service cannot be counted for the purpose of promotion to JAG. They contend that when the DPC was conducted few years ago, the applicants did not qualify, and thereafter no DPC could be conducted due to

the spate of litigation that was instituted by the employees of the organisation.

4. At one stage, OA No.3599/2010, filed by the applicants was allowed through order dated 12.07.2011, directing that a review DPC be held for considering their cases for promotion to JAG. This was allowed on assumption that regular DPC was held and the case of the applicants was not considered on account of their not having the prescribed length of service. RA No.205/2012 was filed by the respondents stating that no DPC, as such, was held and the question of holding review DPC does not arise. On noticing that no DPC was held, the RA was allowed on 05.01.2017. Therefore, the OA now needs to be decided afresh.

5. We heard Shri M. C. Dhingra, learned counsel for the applicant and Shri Sameer Aggarwal, learned counsel for the respondents.

6. The applicants, in effect, want their ad hoc services in STS to be counted for the purpose of promotion to JAG. It is a matter of record that they have been promoted on ad hoc basis in the year 2000, and on regular basis in the year 2005. The qualifying service for promotion to JAG is five years, in STS. If it is reckoned from the year 2004, they

would become eligible in the year 2009, and on the other hand, if it is reckoned from 2000, they will become eligible for JAG from 2005. The fact, however, remains that no DPC was conducted by the department for the past several years. Ultimately, the applicants retired from service in the year 2010 and 2012. It is brought to our notice that a DPC was conducted in the year 2016, and since the applicants had already retired by that time, their cases were not considered by that DPC. Under these circumstances, we do not find any basis to grant relief to the applicants. The OA is accordingly dismissed.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/