

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

**RA No. 24/2019
RA No. 204/2018
in
OA No. 2229/2009
MA No. 246/2019
MA No. 1640/2019
MA No. 3377/2019**

This the 18thday of October, 2019

**Hon'ble Mr. S.N. Terdal, Member(J)
Hon'ble Mr. A.K. Bishnoi, Member(A)**

1. Girish Chander Dabral
S/o Late Shri J.R. Dabral
Working as Production Assistant in the Office of Doordarshan Kendra, Delhi.
2. Ranjeet Kumar Verma
S/o Shri N.P. Verma
Working as Production Assistant in the Office of CPC, Doordarshan Kendra, New Delhi.
3. Sanjeev Soni
S/o Late Shri P.N. Soni
Working as Production Assistant in the Office of CPC, Doordarshan Kendra, New Delhi.
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5. Narrotam Prasad
S/o Shri Kirpa Ram
Working as Production Assistant in the Office of Doordarshan Kendra, Delhi.
6. Pradeep Kumar Agnihotri
S/o Shri T.S. Agnihotri
Working as Production Assistant in the Office of Doordarshan Kendra, Delhi.
7. Tribhuwan Prasad Rai
S/o Shri Shiv Nath Rai
Working as Production Assistant in the Office of DG, Doordarshan Kendra, Mandi House, New Delhi.
8. M.S. Dhapola
S/o Shri U.S. Dhapola
Working as Production Assistant in the Office of DG, Doordarshan Kendra, Mandi House, New Delhi.

9. Dharminder Khosla
S/o Shri P.N. Mathur
Working as Production Assistant in the Office of DG, Doordarshan Kendra, Mandi House, New Delhi.
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Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.
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S/o Shri Hira Lal Sharma
Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.
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S/o Shri Ramesh C. Gupta
Working as Production Assistant in the Office of Doordarshan Kendra, Delhi.
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S/o Shri Satish Sehgal
Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.
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 S/o Late Shri Banwari Lal
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21. Sanjay Kumar Saxena
 S/o Late Shri Ved Prakash Saxena
 Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.

22. Smt. Asha Bhagat
 S/o Shri PardeepBhagat
 Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.

23. Kailash ChanderPapnai
 S/o Late Shri Chintamani
 Working as Production Assistant in the Office of Doordarshan Kendra, Mandi House, Phase-II, New Delhi.

24. Rati Kesh
 S/o Shri Jagdish Joshi
 Working as Production Assistant in the Office of CPC, Doordarshan Kendra, Khelgaon, New Delhi.

...Applicants

(By Advocate: Dr. Ashwani Bhardwaj)

Versus

	REVIEW APPLICANTS
1.	Union of India through the Secretary Ministry of Information & Broadcasting Shastri Bhawan, New Delhi.
2.	The Director General Doordarshan, Doordarshan Bhawan Mandi House, New Delhi.
3.	The Director General Directorate General All India Radio, Akashvani Bhawan New Delhi.
4.	Programme Staff Association of AIR & DD Through Mr. R. Srinivasan (General Secretary) Room No. 406, Akashvani Bhawan Parliament Street, New Delhi.
5.	Smt. Suman Sanjay Aggarwal, PEX W/o Shri Sanjay Aggarwal R/o AB-402, Mayank Mansion Plot No. 21, Sector-6, Dwarka, New Delhi.
6.	Shri Sanjay Aggarwal R/o AB-402, Mayank Mansion Plot No. 21, Sector-6, Dwarka, New Delhi.

7. Shri Pramod Kumar, PEX
S/o Shri M.P. Vats
R/o A-196/197, Weaver's Colony
Ashok Vihar, Delhi -52.
8. Shri Rajeev Dubey
S/o Shri D.S. Dubey
R/o Flat No. 2594, Sector-D2, Vasant Kunj, Delhi.
9. Shri G. Nageswar Reddy
S/o Shri G. Srirama Reddy
All India Radio, Anantpur (AP).
10. Shri Praveen Chand
S/o Shri Mahabir Singh
Promotion Programme Executive (I/C)
In the office of SD, AIR, Delhi
R/o E-1503, Netaji Nagar, New Delhi.
11. Shri Vinod Kumar
S/o Shri R.K. Sharma
R/o C-617, Sarojini Nagar, New Delhi.
12. Shri Pankaj Pati Pathak
S/o Late Shri S.L. Pathak
R/o A-403, Merabai CGHS, Shri Krishna Apartments
Plot No. 10, Sector – 5, Dwarka, New Delhi – 75.
13. Shri Shilini Mittal S/o Shri Avinash Mittal
R/o C-404, Pavitra Apartments
Vasundhara Enclave, Delhi.
14. Shri T. Arunan
Transmission Executive in the office of All India Radio, Hyderabad.
15. Shri S. Annamalai Pandian
Transmission Executive
All India Radio, Chennai.
16. Shri Avik Kukherjee
S/o Shri S.K. Mukherjee
R/o A-504, Prasar Kunj, Sector Pi, Greater Noida (UP).
17. Shri Mobin Ahmed Khan
S/o Shri Abdul Latif Khan
R/o B-107/2, IV Floor, Shaheen Bagh, Jamia Nagar, New Delhi.
18. Shri Ashok Kumar Ojha
S/o Prof. B. Ojha
R/o 61-A, Arawali Apartments, Noida (UP).
19. Shri Jagmohan Rathi
S/o Shri M.S. Rathi
R/o SJ-13, Shastri Nagar, Ghaziabad.

20. Shri Dalip Kumar
S/o Shri MahhakantJha
R/o H-43-A, Sector-22, Noida (UP).

....Review Applicants

(By Advocates : Mr. Brijender Chahar, Sr. Adv. with Mr. Prakhar Bhatnagar, Mr. Mohit Tyagi, Mr. Aman Kharb, Ms. Ritu Rajkumari for original applicants, Mr. Hanu Bhaskar, Mr. Yogesh Sharma, Mr. Rajeev Sharma with Mr. Saket Chandra for R-2 & 3, Mr. Pankaj Kumar Singh for R-32, 33, 38 & 39,)

RA No. 204/2018

1. Satish Vimal
S/o Shri Sham Lal
Aged 52 years
R/o L-2, Radio Colony, Raj Bagh, Srinagar, J & K.

2. Mohammad Tariq
S/o Shri Ghulam Mohi-Ud-Din
Aged 54 years
R/o Zum Zum Colony, Rambagh, Srinagar, J & K.

Review Applicants

(By Advocate: Mr. Ankur Chhibber and Mr. Nikunj Arora)

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Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi.

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Doordarshan, Doordarshan Bhawan
Mandi House, New Delhi.

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All India Radio, Akashvani Bhawan
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Room No. 406, Akashvani Bhawan
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R/o E-1503, Netaji Nagar, New Delhi.
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S/o Shri Mahhakant Jha
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(By Advocates : Mr. Hanu Bhaskar, Mr. Yogesh Sharma for original applicants, Mr. Rajeev Sharma with Mr. Saket Chandra for R-2 & 3, Mr. Pankaj Kumar Singh for R-8, 9, 14 & 15), Dr. Ashwani Bhardwaj for R-28)

ORDER (ORAL)

Mr. S.N. Terdal :

RA No. 24/2019

The review petitioners were party respondents in the OA No. 2229/2009 as well as in OA No. 242/2015. Against the order under review, WP (C) No. 9553/2018 is filed by some of the private respondents in the Hon'ble High Court of Delhi. In the said proceedings, the applicants in review petition no. 24/2019 are party respondents. Since the legality of the order under review is pending consideration before the Hon'ble High Court as such propriety requires that this Tribunal avoid adjudicating the said issue and also in view of sub rule (2) of Rule 1 of Order XLVII, CPC once an appeal is pending before any High Court, the review petitioner can agitate his case in Appellate Court. The said provision is extracted below :

“(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.”

In view of the above facts and the provisions, Review Petition No. 24/2019 is dismissed.

RA No. 204/2018

The review petitioners in this RA submit that they were not the party respondents in the aforesaid original OAs. However, from the letter dated

08.07.2016 passed by All India Radio (AIR) giving ad-hoc promotion to some of the officials, it is very categorically stated that all the ad-hoc promotions are subject to outcome of the above stated OAs. Some of the review petitioners in RA No. 204/2018 are shown in the list annexed with the order dated 08.07.2016. Thereafter, on 24.08.2016, the impugned order under review is passed.

In view of the above facts and aforesaid provisions of CPC, review applicants may agitate their grievance in the said Writ Petition pending before the Hon'ble High Court. Accordingly, RA No. 204/2018 is also dismissed.

In view of above, all the pending MAs are disposed of.

(A.K. Bishnoi)
Member (A)

/anjali/

(S.N. Terdal)
Member (J)