

**Central Administrative Tribunal
Principal Bench**

**CP No.320/2019 in
OA No.951/2019**

New Delhi, this the 19th day of August, 2019

**Hon'ble Justice Mr. L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Sh. Prem Chandra
Aged 58 years
Working as Deputy Director (Engg.)
S/o Sh. Lala Ram
O/o ADG-E (NZ) AIR & TV, New Delhi.
2. Sh. A.K. Lakhera
Aged 57 years
Working as Deputy Director (E)
S/o Sh. S.B. Lakhera
Katanga TV Tower, DMC Jabalpur
Pin-482002.
3. Sh. A.K. Ahuja
Aged 60 years
Working as Deputy Director (E)
S/o Sh. A.D. Ahuja
R/o A-605, Himayalaya Appartment
Sector-5, Vasundhra
Ghaziabad, UP
4. Sh. R.M. Mishra
Aged 57 years
Working as Deputy Director (E)
S/o Late Sh. Ram Lakhan Mishra
Doordarshan Kendra
Near Varuna Bridge
Cantonment Varanasi, Pin-221002
5. Sh. Kailash Chandra Jain
Working as Deputy Director (E)
Aged 57 years
S/o Sh. R.S. Jain
Directorate General, Doordarshan Bhawan

Copernicus Marg, New Delhi-110001

6. Sh. C.P. Singh
Aged 59 years
Working as Deputy Director (engg.)
S/o Sh. Puran Singh
O/o ADG (E) (NZ) AIR & DD
Jamnagar House, New Delhi
7. Sh. Rajesh Chandra
Working as Deputy Director (E)
Age 58 years
S/o Sh. Hem Chandra Dubey
Prasar Bharti Secretariat, Prasar Bharti House
Mandi House, Copernicus Marg, New Delhi.
8. Sh. K.C. Soni
Working as Deputy Director (E)
Aged 57 years
S/o Sh. Prithvi Raj Soni
O/O ADG (E) NZ, AIR & DD
Jamnagar House, New Delhi
9. Sh. Narender Kumar
Aged 58 years
Working as Deputy Director (Engg.)
S/o Sh. Ganga Ram
DG, Doordarshan
Mandi House, New Delhi-110001.
10. Sh. B.P. Singh
Aged 59 years
Working as Deputy Director (Engg.)
S/o Sh. Bharat Singh
P&D Unit DG-AIR, Akashwani Bhawan
New Delhi-110001.
11. Sh. Satpal, Aged 56 years,
Working as Deputy Director (Engg.)
S/o Sh. Chuni Lal
All India Radio
Kathua (J&K)
12. Sh. Zile Singh, Age- years
Working as Deputy Director (E)

S/o Sh. Ram Parsad
HPT Pitampura, Delhi.

13. Sh. Pramod Kumar
S/o Sh. Phool Singh
Working as Deputy Director (E)
Aged 59 years
S/o Sh. Phool Singh
O/o ADG (E) NZ, AIR & DD
Jamnagar House, New Delhi
14. R.K. Sharma, Age 59 years
s/o Lt. Sh. Megh Raj Sharma
working as Deputy Director (Engg.)
AIR, New Delhi-110001
15. S/o Sh. Niranjan
Working as Deputy Director (E)
Age 58 years
s/o Sh. S. Gurusiddayya
DDK, J.C. Nagar, Bangalore-6
16. Sh. Suresh Panday
Working as Deputy Director (E)
Age 57 years
s/o Sh. Ram Bharosi Panday
Doordarshan Kendra
Thatipur, Gandhi Road
Gwalior (MP)
17. Sh. C.M. Shukla
Working as Deputy Director (E)
Age 57 years
s/o Lt. Sh. Devi Dyal Shukla
working as Deputy Director (E)
DMC, Rajori (J&K)
18. Sh. Virender Pandit
Working as Deputy Director (E)
Age 57 years
S/o Sh. Chandrashekhar Pandit
8e, Narbada Bhawan
DMC, Jail Road, Vadodara, Gujarat
19. Sh. Sukhjeet Singh

Aged 54 years
 S/o Sh. Chet Ram Takhi
 Working as Deputy Director (Engg.)
 DG: Doordarshan
 Mandi House, New Delhi-110001

20. Sh. B.B. Turkar
 Working as Deputy Director (E)
 Age 57 years
 S/o Sh. Bhagwat Turka
 Seminar Hill, Nagpur, Pin-440006
21. Sh. S.C. Pauchauri
 Aged 59 years
 S/o Sh. Ram Chandra Pahauri
 Working as Deputy Director (Engg)
 P&D, All India Radio
 New Delhi-110001
22. Sh. Birpal Singh
 Working as Deputy Director (E)
 Age 59 years
 S/o Sh. Jaipal Singh
 All India Radio, Shiv Puri (MP)
23. Sh. V.K. Gupta
 Working as Deputy Director (E)
 Age 56 years
 S/o Lt. Sh. R.B. Gupta
 DG Doordarsha, Delhi ... Applicants

(By Advocate: Shri Sachin Chauhan)

Versus

1. Sh. Amit Khare
 Secretary to the Govt. of India
 Ministry of Information & Broadcasting
 Shastri Bhawan, New Delhi-01.
2. Sh. F. Sheheryar
 Director General
 All India Radio, Parliament Street
 New Delhi.

3. Ms. Supriya Sahu,
Director General
Doordarsha, Mandi House
Copernicus Marg, New Delhi
4. Sh. Shashi Shekhar Vempati
Chief Executive Officer
Prasar Bharti, Prasar Bharati Bhawan
Copernicus Marg, New Delhi-110001
5. Sh. B.P. Sharma
Secretary, DoPT
Ministry of Personnel, Pension & Public Services
North Block, New Delhi. ... Respondents

(By Advocate: Shri S.M. Arif and Ms. Shabnam Perween)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The petitioners herein filed OA No.951/2019 claiming the relief of extension of benefit of Non Functional Upgradation in terms of the OM dated 24.04.2009, issued by the DOP&T.

2. The OA was disposed of at the admission stage on 25.03.2019, directing the respondents to examine the representations of the applicants for extension of the benefit of NFU and to pass orders within a period of two months from the date of receipt of copy of the Order in the OA. This contempt case is filed alleging that the respondents did not comply with the Order.

3. On behalf of the respondents a counter affidavit is filed. It is stated that 'the batch' of a group 'A' officer becomes relevant, for the purpose of extending the benefit of NFU and for comparison with the IAS officer who is senior by two years to such group 'A' officer and that in case of the applicants, their 'batch' is yet to be decided. The matter is said to be pending with the DOP&T in the context of deciding the batch and other aspects.

4. We heard Shri Sachin Chauhan, learned counsel for the applicant and Shri S.M. Arif, learned counsel for the respondents.

5. The direction issued in the OA is that the representations of the applicants for extension of the benefit of NFU be considered and orders be passed. It is necessary to take note of the fact that under OM dated 24.04.2009, an officer of organized Group 'A' would be entitled to claim the benefit of NFU as and when an IAS officer, who is junior to him at least by two years, has been promoted to the grade carrying

specific grade pay in Pay Band 3. The relevant paragraph reads as under:

“(i)....the officers belong to batches of Organised Group A Services that are senior by two years or more and have not so far been promoted to that particular grade would be granted the same grade on non-functional basis from the date of posting of the Indian Administrative Service Officers in that particular grade at the Centre.”

6. The sheet anchor for an officer of Group 'A' to claim the benefit under this OM is 'the batch' to which he belongs. It is only with reference to his batch, that comparison can be made with an IAS officer who has been promoted to a particular scale.

7. In the case of the applicants though they are promoted to the Group 'A', their batch is yet to be decided. The uncertainty is said to be on account of the fact that no direct recruitment has taken place to Group 'A', in the Ministry, for the past several years. Whatever be the reason therefor, unless the batch of the applicants is decided, there is no way, that the benefit of NUF can be extended to them.

8. We, therefore, close the contempt case, leaving it open to the applicants to pursue the remedies in the direction of getting their 'batch' fixed and thereafter, to claim the benefit of NFU. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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