

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Transfer Application No. 040/00001/2015

Date of Order: This, the 03rd day of April 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

1. Sri Manorangan Das
Programme Executive
Prasar Bharati, All India Radio
Diphu, Dist – Karbi Anglong, Assam.
2. Sri Dibakar Sen
Programme Executive (Retd.)
Prasar Bharati, All India Radio
Shillong NES
Resident of House of late D.N. Sen (Retd. ADPS)
Nogrim Hills, Shillong – 793003.

...Applicants

By Advocates: Mr. S. Sarma, G. Goswami, B. Devi & H.K. Das

-VERSUS-

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Information and Broad Casting
A-Wing, Sastri Bhawan, New Delhi – 1.
2. The Director General
Prasar Bharati, Broadcasting Corporation
Of India, All India Radio
Akashbani Bhawan, New Delhi – 110001.

3. The Deputy Director General (NER)
Prasar Bharati, All India Radio
Guwahati – 3.
4. Struck off vide order dated 03.02.2011.

... Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

O R D E R (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):

By this petition, applicants pray to fix their pay in the grade of Programme Executive w.e.f. 18.04.1983 and to consider their cases for consequential subsequent promotions as has been given to their junior said Sri M.D. Samal to the rank of Asstt. Station Direction, w.e.f. 1999 and to refix their pay and allowances and the arrear salary.

2. This is the case wherein the applicants claimed that the respondent authorities have not fully implemented the order of this Tribunal dated 13.06.2002 in O.A. No. 254/2001.

3. The case was last heard on 03.04.2019 and concluded. The parties were given liberty to file written

argument within seven days. Both the parties have not submitted written argument.

4. The applicants are asking for restoration of their seniority with reference to the respondent No. 4 and promotion and fixation of pay from the date their junior was promoted. The O.A. No. 163/1992 filed by the applicants was disposed of by this Tribunal vide order dated 07.12.1995 directing the Director General to dispose of the representation dated 30.04.1991 filed by the applicants/petitioners with a speaking order. The speaking order dated 19.06.1996 rejecting the claim of the applicants was passed by the respondent authorities. This was challenged by the applicants in O.A. No. 131/1997. This Tribunal vide order dated 23.12.1999 disposed of the said O.A. directing for re-consideration of the matter by the respondent authorities. The respondent authorities again rejected the claim of the applicants reiterating the earlier order dated 16.06.2000. Once again the applicants moved this Tribunal by preferring O.A. No. 254/2001. This Tribunal vide order dated 13.06.2002 allowed/disposed of the said O.A. by setting aside the impugned order dated 16.06.2000. Thereafter, the respondent authorities went to the Hon'ble Gauhati High Court, Guwahati

vide WP (C) No. 5157/2003. The Hon'ble Gauhati High Court dismissed the said Writ Petition of the respondents in its order dated 27.10.2006. Since the respondents have not implemented the order of this Tribunal after their Writ Petition has been dismissed by the Hon'ble Gauhati High Court, C.P. No. 02/2007 was filed by the applicants. In the M.A. filed by the respondents, they claimed to have implemented the order of this Tribunal dated 13.06.2002 passed in O.A. No. 254/2001 by enclosing a letter dated 26.04.2007 and the C.P. was closed.

5. In this O.A., the applicants are stating that their seniority has been restored with reference to the Respondent No. 4. But the respondents have neither fixed their pay in the grade of Programme Executive w.e.f. 18.04.1983 nor they have been given consequential subsequent direction as has been given to their junior in the rank of Asstt. Station Director w.e.f. 1999 and fixed their pay and allowances and arrear as admissible.

6. We have heard both the parties, perused the pleadings and all the records. Since the applicants have claimed that the order of this Tribunal dated 13.06.2002 in O.A.

No. 254/2001 has not been fully implemented by the respondents, respondents are hereby directed to verify the grievances of the applicants and take immediate action to fully comply with the order of this Tribunal, as mentioned above, within a period of four months from the date of receipt copy of this order.

7. O.A. stands disposed of accordingly. There shall be no order as to the costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)