

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-282/2018

New Delhi this the 08th day of February, 2018

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

1. Vijay R Haror S/o Sh. Radhelal Haror
Aged about 43 years,
R/o 703 Mahaveer Nagar I KOTA (Rajasthan)
Working as Engineering Assistant in All India Radio
Jhalawar (Rajasthan).
2. Vinit Kumar Snehi S/O Sh Shiv Kumar Snehi,
Aged about 38 years,
R/o B-125, Street No-6, Subhash Colony, Kherli fatah
KOTA (Rajasthan)
Working as Engineering Assistant in All India Radio
Kota (Rajasthan).
3. Pawan Kumar, S/o Sh. Ganga Prasad,
Aged about 40 years,
r/o House No. 63, Block no. 8, Shri Krishan Bhawan,
Rangpur Road no. 4, Dadwara, Kota Jn. Rajasthan
Working as Engineering Assistant in All India Radio,
Kota (Rajasthan).
4. Ramesh Chand Verma S/o Sh. Chhagan Lal Verma,
Aged about 41 years,
R/o 47 Moti Nagar Borkheda KOTA(Rajasthan)
Working as Engineering Assistant in DMC
KOTA(Rajasthan).
5. Tarkeshwar Rai S/o Sh. Bishwanath Rai,
Aged about 46 years,
R/o S.M.S. Villa Apartment, Flat No. 103, West B.C.,
Road Anandpuri Patna I (Bihar),
Working as Engineering Assistant in All India Radio
Patna.
6. Deepak Kumar Sangal S/o Sh Shyam Lal sangal,
Aged about 47 years,
R/o MIG-13 Avantika Phase II, Ramghat Road Aligarh,

Working as Engineering Assistant in All India Radio Aligarh (UP).

7. E Amarchand S/o Sh. Harichand,
Aged about 41 years,
r/o 3-10-89/s/1 Ghokhle Nagar Ramanthapur,
Hyderabad,
Working as Engineering Assistant in All India Radio Nizamabad (Andhra Pradesh).
8. E. Kranthi Kumar S/o E. Mallaiah,
Aged about 36 years,
R/o 31-3-1, RTC Colony, Waddepally, WARANGAL,
TELANGANA.
Working as Engineering Assistant in TV Relay Centre, YELLANDU(Under DMC Warangal).
9. Gorrepati Brahmaiah S/o Sh. G. Pullaiah,
Aged about 42 years,
R/o Flat No. 201 Sri Gyatri Apts Kawadiguda besides CGO Towers, Kawsdiguda, Hyderabad,
Working as Engineering Assistant in All India Radio Hyderabad (Andhra Pradesh).
10. M. Anil Reddy S/o Sh. M. Sanjeev Reddy,
Aged about 35 years,
R/o House No. 2-120/1 Sai Nagar Colony Chaitany Puri Dil Kush Nagar, Hyderabad,
Working as Engineering Assistant in All India Radio Hyderabad (Andhra Pradesh).

... Applicants

(through Sh. U. Srivastava)

Versus

1. Union of India & Others, through
The Secretary,
Ministry of Information & Braodcasting,
6th Floor, Shastri Bhawan, New Delhi.
2. Chief Executive Office,
Prasar Bharti,
PTI Building, Sansad Marg, New Delhi.
3. Director General All India Radio,

Akashvani Bhawan, Sansad Marg,
New Delhi.

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Respondents

(through Sh. J.P. Tiwari for R-1 and Sh. S.M. Arif for R 2 and 3)

ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli, Chairman

MA No. 295/2018 filed for joining together is allowed.

OA No. 282/2018

The applicants are working as Engineering Assistants (EA) at different stations of All India Radio and Prasar Bharti. Some Engineering Assistants filed OA No. 2940/2010 before this Bench seeking relief to appear in LDCE for Assistant Engineer. Further prayer was made for merger of the post of EA and SEA by modifying the recruitment rules within the stipulated period. Prasar Bharti in its 139th Board Meeting approved the draft rules for merging the cadres of EA and SEA. The proposal was recommended on 17.02.2017. Prasar Bharti vide its office memorandum dated 17.02.2017 requested the Ministry of Information and Broadcasting for notifying the modified recruitment rules. This was followed by another reminder dated 24.11.2017. The grievance of the applicants is that till date, the Ministry has not notified the modified recruitment rules. Reference is

also made to judgment of this Tribunal dated 30.11.2010 passed in OA No. 2940/ 2010 where the following observations were made:

"3. In the above view o the matter, the claim of the applicants without RRs being changed, on a proposed administrative action, cannot be override the RRs as per the decision of the Apex Court in Union of India Vs. K.P.Joseph, 1973(1) SCC 194. We, however, cannot be oblivious of the right of the applicants to be considered on fair and equitable basis for promotion as a fundamental right for which we now direct respondents to finalize the merger and also the RRs in consultation with whatever authorities involved within a period of three months from the date of receipt of a copy of this order and thereafter on the basis of vacancies available, the claim of the applicants for promotion through departmental competitive examination be considered. In such an event, the law shall take its own course. The OA accordingly stands disposed of. MAs stand dispose of also. No costs."

2. Despite aforesaid directions which were issued in the year 2010, needful has not been done even after seven years of the directions. The prayer made in this OA is for a direction to respondent no. 1 to notify the modified recruitment rules in accordance with the judgment and the decision of Prasar Bharti's Board taken in 139th Board Meeting and the proposal forwarded thereafter. This application is accordingly disposed of with a direction to respondent no. 1 to notify the modified recruitment rules within a period of three months from the date of receipt of certified copy of this order.

(UDAY KUMAR VARMA)
MEMBER (A)

(JUSTICE PERMOD KOHLI)
CHAIRMAN

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