

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORDER SHEET

No. Of Adjournment : 3

COURT NO. : 2
28/12/2018

O.A./4703/2018
M.A./5378/2018
M.A./5379/2018

ITEM NO:3

FOR APPLICANTS(S) Adv. :

ASHWANI DAGAR & OTHERS
-V/S-
M/O INFORMATION AND BROADCASTING

Sh. M.K. Bhardwaj

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p style="text-align: center;"><u>VACATION BENCH</u></p> <p style="text-align: center;">Heard.</p> <p>The applicants in the OA has impugned order dated 26.11.2018 issued by respondent No.3 for promotion from the post of Engineering Assistants to the post of Senior Engineering Assistants.</p> <p>The applicants in the OA, who are presently working as Engineering Assistant, Senior Engineering Assistant, Assistant Engineer, Technician and Senior Technician in All India Radio & Doordarshan aver that posts of Engineering Assistants and Senior Engineering Assistants have already been merged. The merging of two cadres is pending only on account of delay in finalizing the Recruitment Rules by the respondents. It is stated that if the promotions from Engineering Assistants to Senior Engineering Assistants with same grade pay are allowed, it will deprive them one financial benefit under the MACP Scheme.</p> <p>At the time of hearing, the learned counsel for the applicants Sh. M.K. Bhardwaj informed the Bench that the DG, AIR constituted a Committee to decide about the merger of cadres of Engineering Assistants and Senior Engineering Assistants. The said Committee, in their meeting held on 19.04.2010 accepted the merger of these cadres to the pay band-2 with GP Rs.4600/- with the new designation, Broadcast Engineer. This recommendation was forwarded by</p>

DG, AIR and Prasar Bharati to the Ministry vide their letters dated 25.05.2010 and 21.07.2011. After series of litigations, the Tribunal in its order dated 08.02.2018 has directed the respondents to notify the modified the Recruitment Rules in accordance with decision of Prasar Bharati (referred to above). The issue went up to the Hon'ble High Court asking an explanation from the respondents regarding delay in merger of Engineering Assistants and Senior Engineering Assistants.

The learned counsel, emphasized that holding of DPC from Engineering Assistant to Senior Engineering Assistant, when the merger of these two posts has already been accepted is likely to adversely affect the future career and financial prospects of the applicants.

On going through the facts of the case, I am convinced that since the merger of cadres of Engineering Assistants and Senior Engineering Assistants has been repeatedly decided by the Tribunal and the Hon'ble High Court, the decision of the respondents to hold DPC and grant promotions within these cadres in the same Pay Band + Grade Pay prima facie, is not seem to be justified.

Hence, the order dated 26.11.2018 as well as subsequent letters issued for promotion from Engineering Assistants and Senior Engineering Assistants are stayed. The respondents are restrained from issuing orders of promotion from the post of Engineering Assistants to Senior Engineering Assistants till the next listed date.

Issue notice in OA and interim relief, returnable on 11.01.2019.

Dasti.

(PRAVEEN MAHAJAN)
MEMBER (A)

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