

**CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004**

Order Sheet

Item no.: 18
O.A./116/2022 (TELANGANA)
[PROMOTION]
[SENIOR CITIZEN]
Court No.: 1

No of Adjournment: 21

Order Dated: 09/12/2024

**MULLAPUDI BHASKARA RAO
Vs
ALL INDIA RADIO**

For Applicant(s) Advocate : A M RAO

For Respondent(s) Advocate : A RADHAKRISHNA

Order of The Tribunal

Heard learned counsels for the parties at length.

While hearing the argument, the learned counsel for the respondents referred to the pleadings in the reply wherein it has been pointed out that vide order dated 30.06.2006 almost 185 programme officers were promoted to the Grade of Junior Time Scale (JTS)/Assistant Director (Programme) (Group.A) in the pay band of Rs. 15,600-Rs. 39,100/- + Grade Pay Rs.5400/-) of Indian Broadcasting Services (IBPS) purely on adhoc basis for a period of six months, i.e., upto 31.12.2016 or till retirement or till the posts are filled up on a regular basis or until further orders, whichever is earlier.

The learned counsel for the respondents further contended that the said order was issued based on the vacancies upto 2016 the applicant's name did not fit into the list as per the available vacancy and seniority among Programme Executives. The applicant has not been offered the promotion on adhoc basis.

The respondents further contended that the DPC was convened in the Prasara Bharathi on 12.12.2018 for regular promotion to the Junior Time Scale (JTS) of the Programme Management Cadre (PMC) of AIR/Doordarshan and Junior Time Scale (JTS) of Programme Production Cadre (PPC) of AIR/Doordarshan Group-A in the Ministry of I & B for the vacancies for the year 2018 vide Respondent No. 3 order A-01/02/2015-S-I(A)/Vol-V Dt. 10.04.2019. Since the applicant retired on superannuation on 30.11.2017 and was not in service as on the date of DPC, his promotion to the post of JTS is ruled out.

It is to be noted that the applicant was fit and his name has been included in the seniority list, which has to be forwarded for the promotion to the said post vide order dated 11.07.2017 and his name has been figured at Sl. 44. Further, again on 22.09.2017, the applicant's name has been figured at Sl.44, wherein the ACR of the employees in the list was sought for and against the applicant the remarks show that the ACR is not available for the year 2009-2010. It is to be noted that it is not the case of the respondents that his ACRs for the said period are not generated.

We have perused the said seniority list and from the said list, we can see that almost all of the employees' ACRs were not available. Therefore, the respondents have delayed the DPC, and it is purely the fault of the respondents.

Prima facie, we are convinced that the respondents have violated the DOPT guidelines, as the DPC has to be conducted twice in a year. Further, the delay in DPC cannot take away the right to be considered for the promotion if the employees are otherwise entitled and eligible for such promotions.

The respondents are directed to place it on record, the DPC proceedings conducted for Adhoc promotion wherein almost 185 employees have been promoted on an Adhoc basis. Further, the reasons for the delay in

DPC also have to be placed on record to show as to why the case of the applicant may not be considered in the light of the DoPT directions, as the respondents department has not followed the rules strictly to conduct the DPC regularly.

List the matter on 27.01.2025.

Varun Sindhu Kul Kaumudi
Member (A)

Dr. LATA BASWARAJ PATNE
Member (J)

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