

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA,**

ORDER SHEET

COURT NO. : 2
14/03/2018
O.A./199/2018

JOKH NARAYAN SINGH
-V/S-
I & B

ITEM NO:23

FOR APPLICANTS(S) Adv. : Shri S.K. Bariar.

FOR RESPONDENTS(S) Adv.: Smt. P.R. Laxmi, Id. ASC for Resp.No.1-4
Shri Rajesh Kumar, Id. ASC for Resp.No.5-8.

| Notes of The Registry | Order of The Tribunal |
|-----------------------|---|
| | <p>In the instant O.A., the applicant has challenged the legality and priority of circular memorandum dated 17.11.2017 by which the respondents have decided to held LDC Examination on 17 and 18 March 2018 for the promotion of Sr. Engineering Assistant of All India Radio and Doordarshan to the grade of Assistant Engineer for the 75% examination quota against the vacancies of year 2009-10 and 2017-18 in total 452 post and the applicant has prayed to stay the same by way of interim relief.</p> <p>Heard the parties for the purpose of granting interim prayer. The respondents submitted that in an identical case before Hon'ble Principal Bench, M.A.1206/2018 in O.A.No. 1021/2018, the Hon'ble Principal Bench, CAT, New Delhi has referred the matter to Full/Larger Bench and posted the same for hearing on 28th March, 2018. Shri S.K. Bariar, learned counsel for applicant submitted that the matter, pending before the Hon'ble Principal Bench, is pertain to Engineering Assistant whereas in the present case, the applicants are Sr. Engineering Assistant and they have been already included in the Grade Pay of Rs.5400/-. Therefore, the case pending before the Hon'ble Principal Bench cannot be equated with the issue of the applicants. It is further</p> |

contended that applicants are not required to appear for LDC examination. However, the respondents had taken stand that without taking examination, i.e. LDCE which is scheduled to be held on 17 and 18 March of 2018 for the promotion of Sr. Engineering Assistant to the grade of Assistant Engineer against the vacancies of 2009-10 to 2017-18, the applicants will not be entitled for any promotion. The said stand of respondents are directly in contravention of the earlier order passed by the Hon'ble Principal Bench in O.A.No.2940/2010 dated 30.11.2010 (Annexure - A/11 refers). Therefore, learned counsel for the applicants submitted that LDC Examination for the promotion of Sr. Engineering Assistant is required to be stayed.

Considering the above submission, the issue involved in the present O.A. is pertaining to Division Bench, but for considering the present case being urgent in nature, the same has been taken up for hearing for interim relief and, as per facts and circumstances recorded herein above, it is in the interest of justice by way of interim measure, it is directed to the respondents that the entire examination process undertaken by the respondents vide their circular memorandum dated 17.11.2017 will be subject to outcome of this application.

Let the matter be placed before the Division Bench by next week.

List on 03.04.2018.

A plain copy of this order be made available to the learned counsel for the respondents.

(JAYESH V BHAIRAVIA)
MEMBER (J)

sks/-