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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 2689 OF 2017

1. Shrichand Makhija, S/o Late Motiram Makhija, aged about 55 years, R/o CG-44, Gauri Ganesh Colony, Shubham Vihar, Mangla, Bilaspur (C.G.)
2. Smt. Namrata Bajpai, W/o Achal Kumar Bajpai, aged about 53 years, R/o Bajapi Bada, Madhya Nagri Chowk, Bilaspur (C.G.)
3. Sunil Tiwari, S/o Late Rajkumar Tiwari, R/o Near Sanskritik Bhawan, Jorapara, Sarkanda, Bilaspur (C.G.)
4. Smt. Varsha Tripathi, W/o Manoj Tripathi, aged about 51 years, R/o near J.P. Convent, new Sarkanda, Bilaspur (C.G.)
5. Amit Verma, S/o Late Ramcharan Verma, aged about 38 years, R/o Azad Nagar, Masanganj, Sarju Bagicha, Bilaspur (C.G.)
6. Smt. Rehana Tabassum, W/o Majid Ali, aged about 34 years, R/o in front of River View Colony Gate, Bilaspur (C.G.)
7. Smt. Prabha Tiwari, W/o Shyam Sunder Tiwari, aged about 43 years, R/o Indira Vihar Colony, Sarkanda, Bilaspur (C.G.)
8. Smt. Shweta Pandey, W/o Shailendra Pandey, aged about 36 years, R/o Murrum Khadan, Ashok Nagar, Bilaspur (C.G.)
9. Sunil Tiger, S/o Teras Ram Tiger, aged about 27 years, Village and Post Khokhra, Tehsil: Janjgir, District Janjgir-Champa (C.G.)
10. Smt. Chitrlekha Tiwari, W/o Ashok Tiwari, aged about 48 years, R/o Vasant Vihar Colony, Sakanda, Bilaspur (C.G.)
11. Ratimndra Upadhayay, aged about 32 years, R/o Ward No. 44, Near Upasana building, Jabda Para, Sarkanda (C.G.)

... Petitioners

Versus

1. Union of India, Ministry of Information and Broadcasting, through its Secretary.
2. Prasar Bharti, through its Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi.
3. Director General, All India Radio, Aakashwani Bhawan, Sansad Marg, New Delhi.
4. Deputy Director of Programmes (SW), All India Radio, Aakashwani Bhawan, Sansad Marg, New Delhi.
5. Station Head, All India Radio, Bilaspur, Nutan Colony, Bilaspur (C.G.)
6. Programmes Executive (Coordination), All India Radio, Bilaspur, Nutan Colony, Bilaspur (C.G.)
7. Assistant Director of Programme, All India Radio, Bilaspur, Nutan Colony, Bilaspur (C.G.)

... Respondents

For Petitioners	: Mr. Rajnish Singh Baghel, Advocate.
For Respondent-Union of India	: Mr. R.K. Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/06/2017

1. Default taken note of and ignored.
2. Mr. R.K. Gupta, Panel Lawyer, accepts notice on behalf of Respondent-Union of India.
3. In the peculiar facts and circumstances of the present case, this Court is entertaining the present Writ Petition in spite of the fact that the matter pertains to the jurisdiction of the Central Administrative Tribunal.
4. It has been stated at the bar that the Central Administrative Tribunal, Bench at Jabalpur, which has the jurisdiction over the States of Madhya Pradesh and Chhattisgarh is not functional for quite some time on account of post of Presiding Judge lying vacant.
5. Contention of the learned Counsel for the Petitioners is that all the Petitioners before this Court are working with the Respondents as Announcers or Comperes and that the similarly placed persons, i.e., their counterparts in the State of Kerala had filed an Original Application seeking regularization on the ground that they are working with the Respondents for a period of more than two decades. The said Original Application was allowed on 2.11.2013 with a direction to the Respondents to formulate a scheme taking into consideration the services of the Petitioners. The said order of the Central Administrative Tribunal, Ernakulam Bench, was subjected to challenge by the Union of India before the High Court of Kerala, vide O.P.(CAT) No. 38 of 2015, which came up for hearing on 27.10.2015 when the Kerala High Court dismissed the petition affirming the order of the Tribunal. The two orders were further challenged by the Union of India before the Hon'ble Supreme Court which also entertained the Special Leave Petition of the Union of India and meanwhile ordered for

maintaining the status quo as it obtained so far as the affected persons are concerned.

6. It has been informed that the said Special Leave Petition is still pending before the Hon'ble Supreme Court. However, meanwhile the impugned order dated 21.2.2017 has been passed whereby a decision has been taken by the Respondents for conducting the selection to the post of Presenters/Comperes/Announcers/Rjs etc., by way of a three-tier selection process, wherein the Evaluation will be of three-stages i.e. Written Test, Audition and Interview and the written test is being held now. It is this order which adversely affects the Petitioners' interest.

7. According to the learned Counsel for the Petitioners, in the event, if the Petitioners do not qualify in any of those evaluation tests they would be removed from their existing employment which they have been doing for the past more than two decades. It has been further contended that, if at all, if the Petitioners get disqualified from the present selection process then even if the scheme is subsequently framed by the Respondent-Union of India in the light of the order of the Central Administrative Tribunal, Ernakulam Bench and the High Court of Kerala, the Petitioners would be denied the benefits that would flow from the said scheme.

8. Considering the peculiar facts and circumstances of the present case, more particularly taking note of the fact that even the Hon'ble Supreme Court is seized of the matter in the pending Special Leave Petition of the department and has also granted an order of status quo, ends of justice would meet if the Petitioners are directed to approach the Principal Bench of Central Administrative Tribunal within a period of 15 days from today and in the event, if the Petitioners prefer a petition before the Central Administrative Tribunal, Principal Bench, within a period of 15

days from today, the status quo so far as the Petitioners are concerned which they are enjoying as on date shall be protected by the Respondents till then. This Court is also forced to grant interim protection to the Petitioners as their counterparts in some States where the Central Administrative Tribunal is functional, have obtained similar interim protection.

9. The Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

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