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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.619/2002

Monday, this the 4th day of March, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Gautam Karmakar
S/O Shri A.R.Karmakar
R/O WZ-517-Nangal Raya
New Delhi-46.

..Applicant

(By Advocate: Shri Jagdev Singh for Dr. Surat Singh)

Versus

1. Union of India
through Secretary
Ministry of Information & Broadcasting
Shastri Bhawan
New Delhi-1
2. The Director
Doordarshan Kendra
Parliament Street, New Delhi-1
3. The Deputy Director General
Delhi Doordarshan Kendra, Akashwani
Parliament Street, New Delhi-1

..Respondents

O R D E R (ORAL)

Heard the learned proxy counsel for the applicant.

2. The applicant, a casual labour, was initially engaged by the respondents on 3.10.1989. He continues to be in service albeit on casual basis. Temporary status was conferred on him, according to the learned proxy counsel appearing on his behalf, on 25.10.1994 and not on 25.10.1989 as shown in column 8 of A-1, which is a list of casual labour with temporary status working with the DDK, Delhi.

3. The learned proxy counsel appearing on behalf of the applicant submits that a number of casual workers,

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like the applicant, are going to be regularized shortly by the respondents. A list of all such persons has been placed on record at A-4 (pages 25 to 27 of the paper book). If the date of conferment of temporary status is regarded as the date from which the seniority of casual workers is computed, the applicant would appear to be senior to Shri Rajinder Singh on whom temporary status was conferred on 6.11.1994 and also to S/Shri D.S. Negi and Rajender Prasad on whom temporary status has been conferred on one and the same date, namely, 18.6.1995. The applicant himself was interviewed for the purpose of regularization vide notice dated 3.12.2001 (A-2).

4. The prayer made is for a direction to the respondents to consider the applicant's claim for regularization in preference to his juniors with all the consequential benefits. The other prayer is made for a writ of certiorari quashing the on-going selection process insofar as the candidates junior to the applicant are concerned.

5. The learned proxy counsel appearing on behalf of the applicant further submits that in a similar case (OA-51/2002), directions have been issued by this Tribunal on 8.1.2002 for issuing notices to the respondents and at the same time, it has been provided in the same order that if appointment of any person admittedly junior to the applicant is being made, the same shall be subject to the outcome of the OA. The learned proxy counsel prays for issuance of a similar direction ~~in the present case~~ in the present case.

6. I have considered the submissions made by the learned counsel. The process of regularization has clearly been set in motion. In the list of candidates under consideration, a number of casual labourers senior to the applicant also figure along with three junior persons. As long as the respondents do not overlook the claim of the applicant, vis-a-vis his juniors, it is not possible to contend that a genuine grievance has arisen. Mere apprehension that the claim of the applicant is likely to be ignored, vis-a-vis his juniors, cannot be relied upon for granting the prayer of the applicant.

7. However, on balance, I find that the interest of justice will be duly met in the present OA by disposing it of at this very stage with a direction to the respondents to treat the present OA as a representation made on behalf of the applicant and pass a speaking and a reasoned order thereon expeditiously and in any event with a period of two months from the date of receipt of a copy of this order. I direct accordingly. The respondents are further directed not to publish and act upon the result of the selection process currently on for a period of 15 days after communicating their orders to the applicant.

8. The present OA is disposed of in the aforestated terms at the admission stage itself. No costs.


(S.A.T. Rizvi)
Member (A)

/sunil/