

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1740/2001

New Delhi this the 18th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Smt. Suman Gulati W/O R. L. Gulati,
R/O L-1/24-A, DDA Flats,
Kalkaji, New Delhi.

... Applicant

(By Shri S. K. Gupta, Advocate)

-versus-

1. Union of India through
Secretary, Information &
Broadcasting, Shastri Bhawan,
New Delhi.

2. Director General,
Doordarshan, Mandi House,
Copernicus Marg,
New Delhi-110001.

3. Director,
Delhi Doordarshan Kendra,
Akashvani Bhawan,
Parliament Street,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri V. K. Majotra, Member (A):-

Through this application, the applicant has challenged the action of the respondents by which her case for regularisation has been rejected on the ground of overage which decision has been conveyed by the respondents in their counter reply in OA No. 11/2001. The applicant has challenged the last line of para 6 of the scheme for regularisation of casual Staff Artists in Doordarshan which inter alia provides, "...The service rendered for less than 120 days in a year will not qualify for age relaxation." According to the applicant, she had joined the

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respondents in August, 1976 and her date of birth is 15.3.1952. She had joined service on casual basis as General Assistant. At that time, the age limit prescribed for the post of General Assistant was 18-25 years. She has claimed that service rendered by her from the year 1976 be reduced from the present age of the applicant so that she falls within the age limit of recruitment as General Assistant, and that she should be regularised on this basis. The learned counsel stated that whereas the applicant had been ready to perform her duties in all these years, she was not engaged for 120 or more days in a year for several years. Hence, as per the scheme she has become overaged for purposes of regularisation.

2. The applicant has sought quashing and setting aside the action of the respondents in deleting her name from the list of eligible candidates as prepared for the purpose of regularisation and also quashing and setting aside the words, "...The service rendered for less than 120 days in a year will not qualify for age relaxation" from para 6 of the scheme dated 9.6.1992 at Annexure A-1. She has further sought a direction to the respondents that she should be given suitable age relaxation from the year 1976 in order to treat her within the age limit for purposes of regularisation. It is stated that the applicant is working till date.

3. The respondents have formulated a scheme for regularisation of casual Staff Artists in Doordarshan

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as per the directions in order dated 14.2.1992 in OA No.563/1986 in **Anil Kumar Mathur v. Union of India.**

Clause 6 of the scheme reads as follows :

"6. The upper age limit would be relaxed to the extent of service rendered by the Casual Artists at the time of regularisation. A minimum of 120 days service in the aggregate, in one year, shall be treated as one year's service rendered for the purpose. The service rendered for less than 120 days in a year will not qualify for age relaxation."

4. In para 4.2 of the OA, the applicant has provided information on the days she has worked with the respondents from 1976 to 2001. According to her, for eight years she had rendered fewer than 120 days service in a year. As the applicant was 24 years of age when she started working with the respondents in 1976, if these eight years when she had worked for fewer than 120 days in a year are taken as not qualifying for age relaxation, she attains the age of 32 years, which is clearly beyond the age limit prescribed as per the scheme for regularisation. The learned counsel has stated that this condition is arbitrary and deserves to be quashed and set aside. The scheme of regularisation has been framed on the basis of directions contained in the order in the matter of **Anil Kumar Mathur (supra)**. Relaxation to the extent of service rendered by casual Artists on the basis of a minimum of 120 days service in a year does not appear to be arbitrary and without any rationale. There are a large number of casual Artists working in All India Radio and Doordarshan for whom a

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beneficial scheme for regularisation has been formulated. Fixing the criterion for relaxation of upper age limit for regularisation under the scheme, in our view, is a matter of policy, and in matters of policy, it is not advisable for the courts to interfere. In this regard we rely on **State of Andhra Pradesh v. V.C. Subbarayudu & Ors.**, 1998 (3) SLJ 5 SC. The applicant certainly does not fulfil the condition regarding the upper age limit prescribed under the scheme for regularisation.

5. Having regard to the reasons recorded and discussion made above, we do not find merit in this OA which is dismissed in limine.

V.K.Majotra

(V.K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/as/