

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1001/99 and OA 1076/99 1957  
Y.A.No.

26

DATE OF DECISION 26-7-2000

OA 1091/99-Poonam Bajaj ....Petitioner  
OA 1076/99 Sayed Javed Raza

Sh.S.Y.Khan ....Advocate for the  
Petitioner(s)

VERSUS

UOI & Ors

....Respondent

Sh.S.M. Arif

....Advocate for the  
Respondents.

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)  
The Hon'ble

1. To be referred to the Reporter or not Yes

2. Whether it needs to be circulated to other  
Benches of the Tribunal? No.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member

Central Administrative Tribunal  
Principal Bench

O.A. 1091/99  
and  
O.A. 1076/99

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New Delhi this the 26th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

O.A. 1091/99

Poonam Bajaj,  
Casual Production Assistant,  
AIR,  
D/o D.R. Bajaj,  
R/o C-7/95-B, Keshavpuram,  
Lawrence Road, Delhi-110035.

... Applicant.

(By Advocate Shri S.Y. Khan)

1. Union of India through  
Secretary,  
Ministry of Information and Broadcasting,  
Govt. of India,  
Shastri Bhavan,  
New Delhi-110001.

2. Director General,  
All India Radio  
Akashvani Bhawan,  
Parliament Street,  
New Delhi-110001.

3. Station Director,  
All India Radio,  
Broadcasting House,  
Parliament Street,  
New Delhi-110001.

... Respondents.

(By Advocate Shri S.M. Arif)

O.A. 1076/99

Sayed Javed Raza,  
S/o Jarrar Haider,  
R/o 11, Kailash Apartment,  
Plot No. 45, Patparganj,  
Delhi-110092.

... Applicant.

(By Advocate Shri S.Y. Khan)

Versus

1. Union of India through  
Secretary,  
Ministry of Information and Broadcasting,  
Govt. of India,  
Shastri Bhavan,  
New Delhi-110001.

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2. Director General,  
All India Radio  
Akashvani Bhawan,  
Parliament Street,  
New Delhi-110001.

3. Station Director,  
All India Radio,  
Broadcasting House,  
Parliament Street,  
New Delhi-110001.

... Respondents.

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The aforesaid two applications ( O.A.1076/99 and O.A.1091/99) have been heard together as the learned counsel for the parties have submitted that the material facts and issues raised in the applications are similar. Accordingly, both the O.As are being disposed of by a common order. However, for the sake of convenience, the facts in **Punam Bajaj Vs. Union of India & Ors.** (OA 1091/99) have been referred to.

2. The applicant has submitted that she is aggrieved by the discriminatory action and inaction on the part of the respondents in not regularising her services as Casual Production Assistant (CPA) in the cadre of Transmission Executives (Trex(G&P)) in the AIR, New Delhi. Shri S.Y. Khan, learned counsel for the applicants has submitted that as a result of <sup>the</sup> implementation of the order of the Tribunal dated 6.7.1998 in OA 2873/97 with connected applications, certain persons, who were junior to her have been regularised against the direct recruitment quota, which is, therefore, arbitrary and illegal. The applicant has

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stated that the respondents have subsequently prepared a seniority list of CPAs at AIR, New Delhi as on 1.1.1999, in which the name of the applicant in OA 1091/99 appears at Serial No. 8 and the name of the applicant in OA 1076/99 appears at Serial No. 12. Admittedly, persons whose names appear at Serial Nos. 10 and 11, Ms. Kusum Kshatriya and Ms. Iftikar-Uz-Zaman, who are admittedly junior to the applicant Ms. Poonam Bajaj, have been regularised. Similarly, it is an admitted fact that persons whose names appear at Serial Nos. 13 and 14 of the list, namely, Shri B.P. Sharma and Mohd. Naeem Ullah Khan, have been regularised, while the applicant, Sayed Javed Raja in OA 1076/99 has not been regularised. Hence, these applications seeking a direction to the respondents to regularise the applicants in the cadre of Trex (G&P) by extending the benefits of the Tribunal's judgement/order dated 6.7.1998 in OA 2873/97 with connected cases, with effect from the date <sup>of</sup> their juniors have been regularised with all consequential benefits.

3. The respondents in the additional affidavit dated 7.4.2000 have submitted that seven CPAs were regularised on the direction of the Tribunal along with some General Assistants (GAs), who have <sup>a</sup> prior claim to the posts of CPAs as per the Recruitment Rules of 1994. Shri Mohd. Arif, learned counsel, has also submitted that after receipt of the Tribunal's order dated 6.7.1998, when later, the applicants in those applications had filed <sup>as a</sup> Contempt Petition, the respondents had regularised those applicants when there was no seniority list of CPAs. This fact is not disputed by the learned counsel for the applicants.

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0 4. The main contention of the learned counsel for the applicant is that after the preparation of the seniority list of CPAs w.e.f. 1.1.1999 which shows that she is senior, but has been left out from regularisation, there is no reason why the O.A. should not be allowed with the directions prayed for to regularise her as Trex (G&P). Learned counsel for the respondents has, however, submitted that there is no vacancy at present against which the applicant can be regularised, although it is noticed from the additional affidavit dated 7.4.2000 that they have also stated that "only 7 vacancies can be offered to Casual Production Assistants for their regularisation". This fact has been relied upon by Shri S.Y. Khan, learned counsel, who claims that there are sufficient vacancies available with the respondents even at present, in which the two applicants in the present O.As can be regularised. Shri Mohd. Arif, learned counsel has submitted that the regularisation in the posts of Trex (G&P) can be done only in accordance with the relevant Recruitment Rules, that is, after consideration of eligible General Assistants. Shri Khan, learned counsel, on the other hand, submits that the Scheme prepared by the respondents in 1992 for regularisation of the CPAs should be given effect to.

5. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

6. It is noted that out of 15 vacancies of Trex (G&P) which were available with the respondents, 8 have to be kept reserved for those persons, who have been found

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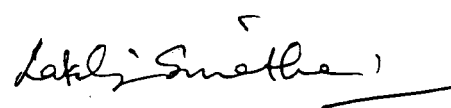
0 suitable under the provisions of the Recruitment Rules. This leaves a balance of 7 posts to be filled up by way of regularising CPAs, including those who have already been regularised, although admittedly 4 persons junior to the applicant were regularised in these seven posts. As mentioned above, learned counsel for the respondents has submitted that juniors to the applicants were regularised in pursuance of the directions of the Tribunal in the order dated 6.7.1998 in O.A.2873/92. It is also relevant to note that at that time, the seniority list of CPAs of AIR, Delhi dated 1.1.1999 had not been prepared, which has been relied upon by both the parties. From this list it is noted that even at present there are a number of seniors to the applicant, who have not been regularised, who will have a prior claim on the vacant posts of Trex (G&P). However, admittedly, the applicant is senior to some of the persons, who have been regularised by the order dated 3.5.1999.

7. Therefore, having regard to the facts and circumstances of the cases, the two applications are disposed of with a direction to the respondents that the applicants shall be regularised in the cadre of Transmission Executives (G&P) notionally from the dates their juniors were regularised with benefit of seniority and continuity of service. The respondents shall regularise the applicants in the substantive vacant posts of Trex (G&P) against the direct recruitment quota as and when the vacancies arise, in accordance with the relevant Recruitment Rules. However, it is made clear that the

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applicants shall be entitled to financial benefits only from the dates they are regularised in the posts of Trex (G&P) under the direct recruitment quota in accordance with the Rules and relevant instructions. No order as to costs.

8. Let a copy of this order be also placed in OA 1076/99.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'