

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 1298/99

with

OA 1111/1999

(19)

New Delhi this the 6th day of July, 2000

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

OA 1298/99

Ms. Manju Gupta
D/O Late Sh. C. P. Gupta,
Casual Production Assistant
R/O 50, Meena Apartments,
Plot No. #78 Extension
Patparganj, Delhi.

.. Applicant

(By Advocate Shri S.Y. Khan)

Versus

Union of India through Secretary,
Ministry of Information & Broadcasting
Govt. of India, Shastri Bhawan, 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)

OA 1111/99

Ms. Neelam Gupta
D/O Shri Ramesh Chand,
C/O D-68, Gali No. 3,
Laxmi Nagar, Delhi-110092

.. Applicant

(By Advocate Sh. S.Y. Khan)

Versus

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

2. Director General
All India Radio
Akashvani Bhawan,
Parliament Street,
New Delhi-1

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

.. Respondents

(By Advocate Sh. S.M. Arif)

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O R D E R (ORAL)

(20)

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

At the outset, learned counsel for the parties have submitted that the facts and issues raised in the aforesaid two cases are similar and, therefore, they may be taken up together. Hence OA 1298/99 and OA 1111/99 are being disposed of by a common order.

2. The main contention of the applicants in these two applications is that they have put in the required number of days of service as Casual Production Assistants in terms of the Scheme prepared by the respondents dated 9.6.1992 and 17.3.1994. They have also relied on certain judgements of the Tribunal which have been referred to in these OAs. They have sought a direction to the respondents to regularise their services in the cadre of Transmission Executive (G&P) in the AIR and be given the benefits of the judgements, referred to in Paragraph 8 of the OAs.

3. I have heard both the learned counsel at some length and have also perused the pleadings. It is seen that the question of regularisation under the relevant Scheme prepared by the respondents will depend on the number of days the applicants have been engaged in the ^{13.} relevant capacities as Casual Production Assistants, which is essentially ^{13.} the question of fact to be verified from the records. In spite of various claims and counter

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affidavits filed by the respondents, the question of fact regarding actual number of days worked by the applicants with the respondents is not agreed to by the parties. This will be the relevant factor, to determine the question whether they are entitled for the benefits under the aforesaid Scheme, taking into account the judgements relied upon by the parties.

4. In the facts and circumstances of the case, OA 1298/99 and OA 1111/99 are disposed of with the following directions:-

The applicants are given liberty to submit a self contained representation, attaching with it the relevant papers which establish that they were working as Casual Production Assistants in AIR during the relevant period prior to 31.12.1991, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that all the papers should be submitted by the applicants to enable the respondents to properly verify the same from the records. The respondents shall deal with the representation and take a final decision in the matter within three months after the receipt of the representation and intimate the decision thereafter to the applicants by a speaking and reasoned order. They shall also mention the specific provisions of the Scheme they have relied upon in case the claims of the applicants are rejected. No order as to costs.

Let a copy of this order be placed in OA 1111/1999.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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