

Central Administrative Tribunal:Principal Bench

O.A. No. 1346/99

New Delhi this the 20th day of October, 2000

Hon'ble Mr. V.K. Majotra, Member (A)

1. Gopal Chander Gaur,
S/o Late Shri A.D. Gaur,
R/o 216-B, Pocket-I,
Mayur Vihar, Delhi-110092.
2. Satish Kumar Badhan,
S/o Shri Gulzari Lal Badhan,
R/o G-114, Nanak Pura,
Opp. South Campus Main Gate,
New Delhi-110021.
3. Vijay Patil,
S/o Shri Bhagwat Rao,
R/o C-238, Minto Road Complex,
Sarai Rohilla,
Delhi-110052.
4. Nand Kishore Sharma,
S/o Shri Shyam Lal,
R/o B-1576, Shastri Nagar,
Sarai Rohilla,
Delhi-110052.
5. Dalip Singh,
S/o Shri Nanak Singh,
R/o C 31, Gali No. 11,
Pragati Vihar, Gamri Extn.,
Delhi-110053.
6. Bijender Kumar
S/o Shri Phool Singh,
R/o A-8, New Usmanpur,
Gali No. 1, Ist Pusta,
Seelampur, Delhi-110053.
7. Kuldeep Singh,
S/o Shri Ran Singh,
R/o H. No. 618, Jat Mohalla,
Bhooton Wali Gali,
Nangloi. Delhi-110041.
8. Makkhan Singh Negi,
S/o Shri Gian Singh,
144-D, Pocket-B,
Sector-17, BHEL Colony,
Noida.
9. Satish Baloni,
S/o Shri Shekhar Baloni,
R/o RZ-17/1, Kailash Puri,
Palam Colony,
New Delhi-110045.
10. Rajswar Paswan,
S/o Shri Inder Dev Paswan,
R/o K-481, Mangol Puri,
Delhi-110085.

11. Pawan Kumar Sharma
S/o Late Shri S.N. Sharma,
R/o D-22, Pandav Nagar,
Opp. Mother Dairy,
Delhi-110092.

12. Shiv Singh,
S/o Shri Daulat Singh,
R/o 1553, Gulabi Bagh,
Delhi-110007.

13. Sanjay Kalra,
S/o Shri D.R. Kalra,
R/o 723, Jheel Khuranja,
Gandhi Nagar,
Delhi-110031.

14. Sarat Singh,
S/o Shri Vijay Singh Negi,
R/o 24/366, Trilok Puri,
Delhi-110091.

-Applicants

(None Present)

Versus

1. Union of India through
The Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi.

2. Director General,
Doordarshan, Mandi House,
New Delhi.

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

-Respondents

(By Advocate: Shri A.K. Bhardwaj)

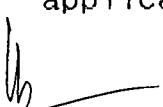
ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

Applicants were not represented even on the earlier date of hearing i.e. 19.10.2000. I have proceeded to dispose of the matter in terms of Rule-15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicants have claimed in the OA that they were engaged as Casual Staff Artists to work in various capacities such as Production Assistant, Floor Assistant, Tailors, Carpenders, Painters in Delhi Doordarshan Kendra and were provided assignments for 10 days in each month by the respondents, although, in fact, they have been made to work for the whole month rather than 10 days only in the month. Whereas the respondents have prepared a scheme for regularisation of casual artists in Doordarshan on 9.6.1992 as per Annexure A-1, the names of the applicants were not incorporated in the list prepared in terms of the Scheme and as such the respondents have not regularised the services of the applicants and abruptly stopped giving them casual assignments of 10 days per month. According to the applicants, they were engaged by the respondents as a Casual Staff Artist to work as Floor Assistant etc. much before 31.12.91 which was prescribed as a cut off date in the Scheme for regularisation (Annexure A-1) and all of them had worked for an aggregate period of 120 days in a year (calender year) which makes them ^b eligible for regularisation under the provisions of the Scheme. The applicants have sought direction to the respondents for their regularisation as Floor Assistants from the due date with consequential benefits.

3. In their short counter reply the respondents have stated that the applicants were not eligible for regularisation under the Scheme. Therefore, their names were not included in the eligibility list which was not challenged by the applicants. Learned counsel for the respondents has



further stated that the respondents do not have any work with them to engage the applicants and for that matter any one else. He further stated that Casual Artists are engaged from time to time and not for more than 10 days in a month as and when work is available with the respondents.

4. I find that whereas in the OA, the applicants have averred to have been engaged as Casual Staff Artists prior to the cut off date of 31.12.91 prescribed in the Scheme for regularisation of casual staff artist in Doordarshan (Annexure A-1) and have worked for more than 120 days in a period of one calender year prior to the date, the respondents have instead of rebutting the averments made a general statement that the applicants were not eligible under the provisions of the Scheme. Such a contention cannot be countenanced when a specific denial regarding engagement of the applicants for specific number of days in various years has not been made by the respondents. The respondents have admitted that Casual Artists are still provided work as and when it is available on a 10 days basis in a month. Why the names of the applicants have not been included in the eligibility list prepared under the Scheme, the respondents should have given detailed information as to how the applicants are not eligible for inclusion in the eligibility list under the Scheme.

5. Having regard to the claims and specific information provided by the applicants regarding their engagements as Casual Staff Artists with the respondents from different dates prior to 31.12.91 in

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the interest of justice, the respondents are directed to verify the engagement of the applicants from their records as Casual Artists and consider the applicants' eligibility for inclusion in the list under the Scheme dated 9.6.92. The upper age limit in their case should also be relaxed to the extent the applicants have rendered service at the time of regularisation in terms of Para-6 of the Scheme which reads as follows:-

"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 this purpose. The service rendered for less than 120 days in a year will not qualify for age relaxation".

The respondents should consider the claim of the applicants within a period of three months from the date of receipt of a copy of this order and in case of adverse finding, pass a detailed and reasoned order and communicate the same to the applicants. The OA is disposed of in the aforesated terms. No costs.

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.