

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1460/1999

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Friday, this the 14th day of May, 2001.

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

Gurpreet Singh Arora
S/O Sardar Mohinder Singh Arora
Aged about 28 years,
R/O K-20, Fateh Nagar,
Jail Road, New Delhi-18.

..Applicant

(By Advocate: None for applicant)

Versus

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

..Respondents

(By Advocate: Shri S.M. Arif)

O R D E R

The applicant in this OA is aggrieved by the act of the respondent-authority in not engaging him as casual staff artist any more from May-June, 1999. Hence, this OA.

2. I have heard the learned counsel for the respondents and have perused the material placed on record.

3. The facts of this case briefly stated are that the applicant was first engaged to work as Floor Assistant w.e.f. 21.9.1989 and has thereafter continued

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to work in the same capacity year after year and, though on paper, he has been working only for 10 days in a month, in point of fact, he ~~is~~ used to be directed by the respondents to work through out each month. When the matter concerning regularization of casual artists including Floor Assistants was raised, the respondents framed a scheme to regularize all the casual artists working in Doordarshan and issued the same vide their OM of 9.6.1992. Since the problems of the casual artists were not completely resolved, the respondents modified the aforesaid scheme and issued the modified scheme vide their OM of 17.3.1994. Both these OMs have to be read together to implement the scheme for regularization of casual artists in Doordarshan. Having regard to the provisions made in the aforesaid scheme, the applicant submits that he deserves to be regularized and in support of this contention, he has stated that he has worked for 90 days in 1989, 290 days in 1990, 300 days in 1991, 275 days in 1992, 225 days in 1993, 225 days in 1994, 300 days in 1995, 275 days in 1996, 300 days in 1997, 300 days in 1998 and 90 days in 1999 upto April, 1999.

4. The learned counsel appearing in support of the respondents contends, however, that in terms of the provisions made in the aforesaid scheme, the applicant is not eligible for regularization. The services of the applicant were dispensed with for want of work and not for any other reason. He also submits that the applicant has worked only for a maximum period of 10 days in a month and not as contended by him through out ^{each} month. The respondents also deny that the applicant worked for the

✓ number of days from 1989 onward as shown in para 3 above. According to the learned counsel, the applicant has been found to be ineligible also because he does not possess three years' experience as required in the relevant recruitment rules and in accordance with the terms of the regularisation scheme. It is incorrect to say, according to the learned counsel, that the applicant has been disengaged because of his refusal to sign a particular declaration form. 28

5. The respondents have also filed an additional affidavit in support of their contention that the applicant is not eligible for regularization. Drawing my attention to the provisions made in the scheme for regularization, the learned counsel has pointed out that the ~~same~~ ^{same} would apply only to those casual artists who were employed on casual basis on 31.12.1991 and further that they should have been engaged for an aggregate period of 120 days in a calendar year. From out of the persons found eligible for regularization and listed as such, only those could be regularized, following the inter-se-seniority of the listed candidates, who would qualify for regularization in accordance with the recruitment rules and instructions issued thereunder for the post in question. Others will be removed from the panel of listed eligible candidates. Referring to the recruitment rules applicable to Floor Assistant, the learned counsel has pointed out that in accordance with the same, three years' experience in handling, erection of sets in stage, film or television is an essential qualification which is not possessed by the applicant in

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the present OA. The applicant has not filed any rejoinder to contest the facts and circumstances brought out by the respondents in their counter and the additional affidavit. 29

6. After hearing the learned counsel for the respondents, I have gone over the respondents' OM dated 17.3.1994 to discover ~~what~~¹ the norms applied for calculating the number of days put in by a person in a month. I have a feeling that in accordance with the relaxed criterion laid down in paragraph 3 of the aforesaid OM, the applicant is likely to have worked for a larger number of days ~~than~~ calculated by the respondents. It is thus likely that on applying the aforesaid relaxed criterion, the applicant may be found to have completed three years' experience as required in the aforesaid recruitment rules. In the event, the applicant might become eligible for regularization. The matter, therefore, needs to be reviewed in this light.


7. In the circumstances mentioned in the preceding paragraphs, I find that it would meet the ends of justice if the present OA is disposed of by directing the respondents to carefully recalculate the number of days put in by the applicant month after month and year after year so as to see if the requirement of three years' experience is properly and fully met by the applicant. The respondents are directed accordingly. In the event, it is found that the applicant fulfils the criterion of three years' experience as laid down in the aforesaid recruitment rules and the applicant is not otherwise

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disqualified, the respondents may consider his case for regularization as expeditiously as possible. They are, therefore, directed to complete action contemplated above in a maximum period of three months from the date of receipt of a copy of this order and pass a speaking and a reasoned order within the same period.

8. The OA is disposed of in the aforestated terms.
No costs.


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

/sunny/