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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2304/99

New Delhi, this the 14th day of November, 2000

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)  
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Bharat Bhushan Dewan  
Age 45 years  
S/o Sh. S.P.Sharma,  
R/o GH 5 & 7/632, Paschim Vihar,  
Delhi-110087

working as  
Casual Artist,  
Delhi Doordarshan Kendra,  
Sansad Marg,  
New Delhi. .... Applicant  
(By Advocate: Sh. K.N.R.Pillai)

vs.

1. Union of India through  
The Director General,  
Doordarshan,  
Mandi House,  
New Delhi.
2. The Dy. Director General,  
Delhi Doordarshan Kendra,  
Sansad Marg,  
New Delhi. .... Respondents  
(By Advocate: Sh. S.M.Arif)

ORDER (ORAL)

By Mr. Justice V.Rajagopala Reddy,

The causal artists appointed in Doordarshan on contract basis were agitating for regular employment and they moved the Central Adminsitrative Tribunal and on the basis of the Tribunal's decision certain guidelines have been framed for their regularisation. As a result a scheme was framed in 1992 which has been modified by another scheme in 1994. In para 6 of the scheme, the upper age limit to the extent of the service rendered by the casual artists at the time of regularisation could be relaxed and a minimum of 120 days in one year is to be treated as one year service rendered for this purpose.

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2. The applicant, a Floor Artist was engaged on casual basis in 1976 when he was 23 years old. He has been declared as overaged under the scheme of regularisation as the age has been calculated on the cut off date of 9.6.92. On the said date the applicant should not have exceeded 25 years, subject to the relaxation that was provided under the scheme. The applicant was, however, not regularised. Applicant also relied upon the OM dated 16.7.90 issued by the DOP&T for the purpose of regularisation, stating that he fulfilled all the conditions therein. The respondents filed the counter contesting the case and it is stated that the applicant was granted all the relaxation available under the scheme of 1992 and 1994 and in spite of it the applicant was found overaged under the scheme for regularisation.

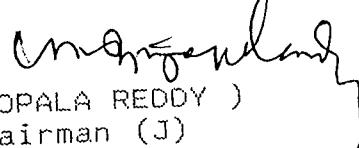
3. We have given careful consideration to the contentions raised in this case. Having heard the counsel, we are not convinced with the plea of the applicants. Admittedly, the applicant does not come within the age stipulated under the scheme of 1992 and 1994. It is true that certain persons have been given relaxation on the reference made to the Government. It is the contention of the learned counsel for the applicant that the applicant was not referred to the Government for such consideration. This contention is disputed by the learned counsel for the respondents as it was stated that his case was also referred but it was rejected by the Government and it was found that he was hopelessly overaged for the benefit of any relaxation. It is for the Govt. to exercise the power of relaxation and we will not interfere with their discretions. We do not find any merit in the submission.

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• (4) The applicant's reliance upon the OM dated 16.7.90 is wholly misplaced. The entire OA is based upon the schemes of regularisation of 1992 and 1994. Both the schemes and the OM are mutually exclusive. This OA is not filed on the basis of the OM dated 16.7.90. One of the conditions in the above OM is that the employee should successfully compete the regular examination conducted by the Staff Selection Commission and the selection test prescribed for the post. Admittedly this test was not successfully completed by the applicant. The above OM was an one time measure contemplated by the DOP&T for regularisation of several employees of all the departments. It is not shown that the applicant has made any representation invoking the above OM. In this OA the applicant cannot seek any benefit under the said OM. The OA is, therefore, dismissed. No costs.

  
( GOVINDAN S. TAMPI )  
Member (A)

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( V.RAJAGOPALA REDDY )  
Vice Chairman (J)