

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

(No)

OA-2139/98

New Delhi this the 22nd day of November, 1999.

Hon'ble Sh. S.P. Biswas, Member(A)

Shri Jaibir Singh,  
S/o Sh. Padam Singh,  
R/o 55, Vill. Killokari, ~  
Jangpura Bhogal,  
New Delhi-14.

.... Applicant

(through Sh. N.H. Zuberi, Advocate)

versus

Union of India through

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

2. The Director,  
Doordarshan Kendra,  
Delhi, Akashwani Bhawan,  
New Delhi. .... Respondents

(through Sh. A.K. Bhardwaj, Advocate)

ORDER(ORAL)

A ~~very~~ short issue falls for determination in  
this O.A.

2. Respondents have drawn a list for  
regularisation of Casual Painters as at page-6 of  
the counter. The list contains the names of 28  
persons and the applicant's name figures at S.No.27.

3. Applicant, on the contrary, has come  
out with a list as at Annexure R-1 to contend that  
he stands at S.No.6 for the purpose of  
regularisation.

4. The fact that the applicant deserves to be considered for the purpose of regularisation is not disputed by either of the parties. The issue, therefore, arises is that whether the applicant's claim for regularisation is covered under the law. The position of law in respect of regularisation is now well settled. An employee can seek regularisation only when there is a regular vacancy and that regularisation can take place pursuant to an order or a Scheme on that behalf. Mere working on a post for a large number of years does not vest an official with the right to get regularised on the post which is required to be filled up by regular recruitment process under statutory rules. If any authority is needed for this purpose, it is available in Mukesh Bhai Chota Bhai Patel Vs. Joint Agri. & Marketing Advisor, Govt. of India & Ors. (AIR 1995 SC 413). The applicant's case for regularisation has to be, therefore, in terms of availability of vacancy and also an order covering such regularisation.

5. In the background of the details as aforesaid, we allow the O.A. partly with the following orders:-

Respondents shall consider regularising the services of the applicant as Painter as and when regular vacancy comes up in terms of seniority

for such officials. While considering the applicant's case for regularisation, the fact that the applicant belongs to OBC shall be kept in view.

6. The O.A. is disposed of as aforesaid.

No costs.

  
(S.P. Biswas)  
Member(A)

/vv/