

Central Administrative Tribunal, Principal Bench

O.A.No.1426/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 13th day of May, 1997

1. L.B.Nirola
s/o Shri B.B.Nirola
r/o H. No.81, Shyam Block
Kailash Nagar
Delhi - 110 031.
2. Dilwan Singh Gusain
s/o Shri Dayal Singh Gusain
r/o H.No.1436, Sector-V
R.K.Puram
New Delhi - 110 022: ... Applicant
(By Shri J.C.Malik, Advocate)

Vs.

Union of India
through Secretary
Ministry of Information & Broad Casting
Shastri Bhawan
New Delhi. ... Respondent

(By Shri E.X.Joseph, Advocate)

O R D E R(Oral)

The applicants claim that during the International Film Festival, 1992, they were engaged by the respondent under the supervision of one, Mr. K.M.Sharma, Contractor, as Assistant Projector Operator and Film Checker respectively. They claim that they have been paid salary first by the Director, Film Festival and thereafter by the Civil Construction Wing (CCW), All India Radio. It is submitted that the respondents proposed to create regular posts and had even asked for **nominations** from the Employment Exchange. Applicants now seek a direction that they should be allowed to continue as Casual employees and be considered for being absorbed as permanent employees. The respondent on the other hand, state that no, regular posts have been created. Respondents also state that they never engaged

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applicants, and in fact they had been engaged by the Contractor as has also been admitted in Para 4.5 and para 5.1 of the OA.

2. I have heard the learned counsel on both sides. Although, there is a letter from one Mrs. Deepak Sandhu, Director of Film Festival, Annexure A dated 12.6.1992 and letter dated 26.5.1993 from CCW, AIR wherein permission has been given to the Contractor, Shri-Sharma to engage certain staff including Assistant Projector Operator and Film Checker on daily wages, the position is not clear as to whether the applicants are working as Casual employees directly engaged by the respondents or as employees of the Contractor. It appears that though their engagement initially was made through the Contractor, the payment of daily wages have been made either directly or indirectly by the Director Film Festival or CCW, according to the minutes of the meeting held on 18.5.1993, Annexure 'D', and the letter of CCW. The learned counsel for the respondent however states that this only indicates that the funds were provided by these agencies but the actual payment was made through the Contractor.

3. In any case applicants have been working for the last four years, even if intermittently, as Assistant Projector Operator and Film Checker. The respondent state that no posts as yet ^{have} been created. Keeping in view the fact of long employment of the applicants the OA is disposed of with a direction to the respondent that in case regular posts are created the respondent will also consider the applicants subject to their fulfilling the requisite minimum qualifications. However, in case the

applicants are found to be over aged, they will be given relaxation to the extent of their employment with the respondents by the respondents.

4. OA is disposed of with the above directions. No costs.

R. K. Ahooja
(R.K.AHOOJA)
MEMBER (A)

/rao/