

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(12)

O.A. NO. 596/1996

New Delhi this the 9th day of December, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

Surinder Singh Bisht S/O M.S.Bisht,
R/O C-19, Patparganj Village,
Delhi-110092.

... Applicant

(By Shri T. C. Agarwal, Advocate)

-Versus-

1. Union of India through
Director General, Doordarshan,
Mandi House, New Delhi.

2. Director,
Delhi Doordarshan Kendra,
Akashvani Bhawan,
Parliament Street,
New Delhi-110001. ... Respondents

(By Shri S. Mohd. Arif, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant was during the period 1985 to 1993 working as a casual artist on assignment basis as and when his services were required by the 2nd respondent Doordarshan Kendra. His assignment was not for over a period of ten days in a month. By an order issued on 13.1.1993, he was appointed as Lighting Assistant. On 8.3.1995, applicant was appointed as Cameraman Grade-III with effect from 20.2.1995. Appointment order dated 8.3.1995 is at Annexure A-3 to the O.A. The same clearly provides that the applicant and others who were similarly appointed were appointed on ad hoc basis pending finalisation of the recruitment rules. The order further provides that the ad hoc



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appointments would not confer upon them any claim for regular appointment or seniority in the post of Cameraman Grade-III. The recruitment rules were thereafter finalised on 15.5.1995. Under the said Rules, promotion from the post of Lighting Assistant to the post of Cameraman Grade-III could be made through two channels - (1) by promotion from Lighting Assistants with minimum five years' regular service; and (2) direct appointment in respect of those passing three months conversion course (by Indian Institute of Mass Communications) or departmental training institution. Latter channel of promotion, we are not concerned with. Applicant claims promotion on regular basis through the aforesaid first channel. Since according to the respondents, applicant did not possess the requisite qualification for appointment as Cameraman Grade-III, by an order passed on 29.2.1996, he was reverted to his substantive post of Lighting Assistant. Aforesaid order of reversion is impugned in the present O.A. by contending that a direction be issued to consider the applicant for regular promotion as Cameraman Grade-III by taking into account his experience of service rendered during the period 1985 and 1993 when the applicant was working as a casual artist.

2. Shri Aggarwal, the learned advocate appearing in support of the application, has, inter alia, contended that certain employees who, like the applicant, had been employed on contract basis had approached this Tribunal for a relief of



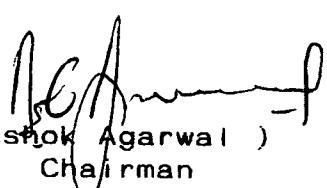
regularisation. This Tribunal in the case of Vasudev & Ors. v. Union of India & Anr., (1991) 17 ATC 679 directed a scheme to be framed for the purpose of regularising the employees employed on contract basis. According to Shri Aggarwal, based on the direction, a scheme was framed on 9.6.1993. If one has regard to the aforesaid direction and the scheme framed, the services of applicant during the period 1985 to 1993 would be required to be taken into account for the purpose of promoting him to the post of Cameraman Grade-III.

3. The applicant by the order dated 8.3.1995 was promoted from the post of Lighting Assistant to that of Cameraman Grade-III purely on ad hoc basis. The promotion was given when recruitment rules had not been notified. The order of promotion clearly recites that appointment of the applicant as also others who were similarly promoted was ad hoc appointment which would not confer upon them any claim for regular appointment or seniority in the promotional post. The order clarifies that order for regular appointment would be made after recruitment rules in that behalf were notified. After recruitment rules were notified, it was found that the applicant was not eligible for promotion to the post of Cameraman Grade-III. As far as the applicant is concerned, he seeks to take advantage of the period spent by him as a casual artist with the Doordarshan. His being a casual artist cannot be termed as a regular employment in the Doordarshan. Hence, the period he worked as a casual

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artist cannot be counted for the purpose of computing his service in the Doordarshan. If his regular service in Doordarshan is taken into account, he will not be eligible for being appointed as Cameraman Grade-III, at least on the date when the impugned order of reversion has been passed. Since the applicant was found ineligible and since the order of promotion was purely on ad hoc basis pending finalisation of recruitment rules, no right can be claimed by the applicant to the promotional post of Cameraman Grade-III. In the circumstances, we hold that no exception can be had to the impugned order reverting the applicant back to his substantive post of Lighting Assistant.

4. Present O.A., in the circumstances, we find is devoid of merit and the same is accordingly dismissed. There will, however, in the facts and circumstances of the case, be no order as to costs.


(Ashok Agarwal)

Chairman


(Shanta Shastri)

Member (A)

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