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Central Administrative Tribunal  
Principal Bench: New Delhi

...  
OA No.958/97

New Delhi, this the 18th day of September, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri K.Muthukumar, Member (A)

1. Shri Chandra Mohan Bector,  
s/o Sh. S.K. Bector,  
R/o C-182, DDA (MIG) Flats,  
Saket, New Delhi.
2. Mrs. Shahnaz Yusuf,  
d/o late Shri A.K. Khan,  
r/o B-327, New Friends Colony,  
New Delhi.
3. Shri Brijender Kumar,  
s/o Shri Rajeshwar nath,  
r/o Akash Darshan Apartments,  
Mayur Vihar, New Delhi.
4. Ms. Madhau Mathur,  
d/o late Shri P.S. Mathur,  
r/o B-3/44, Janakpuri,  
New Delhi.

..Applicants

(By Advocate: Shri S.Y. Khan)

Versus

Union of India through

1. Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi.
2. Director General,  
Doordarshan,  
Ministry of Information & Broadcasting,  
Mandi House, New Delhi.

...Respondents

(By Advocate: Shri M.K.Gupta)

O R D E R (ORAL)

[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

Petitioners in this case were promoted on ad  
hoc basis from the grade of Producer/Producer-II/Reference  
officers etc. to Junior Time Scale of Indian Broadcasting  
Programme Service for a period of one year or till the

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regular incumbent became available whichever is earlier with effect from the date they assumed the charge of the post or until further orders. Thereafter by an order dated 19.10.1995, the petitioners were promoted to Junior Time Scale of Programme Production Cadre of Doordarshan under I.B.(PS) with effect from the date of the order and they were posted at Kendras/Offices indicated against their names as per the said order.

The claim of the petitioner is that since the petitioners were holding the post on ad hoc basis with effect from 4/9-6-1993 and thereafter it was regularised by DPC held on 19.10.1995, their ad hoc services were followed by regularisation of the services, benefit of ad hoc services entailing the regular services may also be considered for the purpose of seniority and other consequential benefits.

Counsel for the respondents submitted with reference to para 4.5 of their reply that the DPC held during March, 1995 did prepare yearwise panel and were considering vacancies of 1991-92 and 1992-93 and yearwise panels were finalised and thereafter only the order dated 19.10.1995 was issued. The benefit which the petitioner is seeking namely regularisation of their ad hoc services cannot be granted for the reason the order promoting the petitioners to the said post had stated that the posting is only for one year on ad hoc basis or till regular incumbent joins. It was also stated that the petitioners could not be regularly appointed to the cadre since the finalisation of the cadre happened to take place in the year 1995 thereafter DPC took place in the year 1995 wherein the

yearwise panels were prepared and petitioners were given the regularisation with effect from the said subsequent date of DPC.


We have considered the contentions on either side and we are of the opinion that the ad hoc services rendered by the petitioners have been followed by an order of regularisation by a subsequent DPC. It is also an admitted case, that the petitioners were eligible and the vacancies were available at the time when the petitioners were appointed on ad hoc basis. It is also an admitted case that even in the DPC held in March, 1995, the respondents did consider the vacancies of 1991-92 and 1992-93 and the petitioners were found eligible and yearwise panels were prepared and therefore in the normal circumstances there should not have been any objection for giving the benefit of ad hoc services of the petitioners since the same was followed by regularisation without any break and the said period to be considered for all purposes including seniority and further promotions etc. The counsel for the respondents only stated that this period could not be considered as regular for the reason the rules of the cadre to which the petitioners were subsequently regularised and could only be finalised in the year 1994 after ascertaining options for various cadres. The submissions of the respondents could clearly indicate that the non-appointment of the petitioners on regular basis was only, therefore, due to certain administrative difficulties and that should not be a reason to deny the benefit of the regular services from the date the petitioners originally joined on ad hoc basis.

We are fortified to arrive at this conclusion on the basis of the Hon'ble Supreme Court in the case of State of West Bengal vs. Aghore Nath Dey [1993(3)SCC P.371] which had further clarified various clauses enunciated by the decision of the Hon'ble Supreme Court in the case of Direct Recruit Engineers Services vs. State of Maharashtra [1990(2) SCC P.745].


We are of the opinion, therefore, that the non-regularisation of the services of the petitioners being only the administrative difficulties in finalising the cadre rules the benefits should not be denied on that count alone.

In the circumstances, respondents are directed to treat the services of the petitioners as regular with effect from 4/9-6.1993 for all purpose including seniority and further promotions etc. etc.

This OA stands allowed to the extent stated above.

  
(K. Muthukumar)  
Member (A)

naresh

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)