

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 699 of 1994

New Delhi, dated the 29th Nov. 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Prashant Kumar Srivastava,
S/o Shri Shiv Charan,
R/o 4/911, Jharkhandi Marg,
Bhela Nath Nagar,
Shahdara, Delhi.
2. Shri Kawaljit Singh
S/o Shri (Late) Bal Singh,
R/o 174-A, DDA Flats (LIG),
Rajouri Garden Extension,
3. Shri Sunil Kumar Bhatt,
S/o Shri B.D. Bhatt,
R/o E-1548, Netaji Nagar,
New Delhi.
4. Shri Kamal Kumar Vij,
S/o late Shri H.L. Vij,
G-22, New Seelampur,
Delhi-110053.
5. Shri Jitender Singh Chauhan,
S/o Shri H.S. Chauhan,
70/80, Mam College,
New Delhi.
6. Shri Maesh Chand Joshi,
S/o Shri Rupender Joshi,
18-B, Kutab Enclave, phase II,
DDA Flats, New Delhi.
7. Shri Ganjay Kumar,
S/o Shri Om Prakash,
A-2/8, Rana Pratap Bagh,
Delhi-11007.
8. Shri Pradeep Kumar Satija,
S/o Shri D.N. Satija,
67-F, Pocket A-1, phase III
Mayur Vihar, Delhi.
9. Shri Gurvinder Singh,
62/4c, Teliwara,
Shahdara, Delhi.
10. Shri N.S. Rawat,
Delhi Doordharshan Kendra,
parliament Street,
New Delhi.

..... APPLICANTS

(By Advocate: Shri A.K. Bhardwaj)

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1. Union of India through
the Secretary,
Ministry of I & B, New Delhi.
2. The Director General,
Doordarshan, Mandi House,
New Delhi.
3. The Director,
Doordarshan Kendra,
parliament Street,
New Delhi.
4. Shri Deepak Rai,
S/o Shri B.D. Rai,
R/o 896, Baba Faridpur,
West patel Nagar,
New Delhi.
5. Shri Vijay Kumar Sharma,
S/o Shri Kishan Kumar Sharma,
R/o 4602/1, Ragharpura,
Gali No.51, Karol Bagh, New Delhi-5.
6. Shri Sri Kishan Verma,
S/o Shri Ram Dhan,
R/o 896, Baba Faridpur,
West patel Nagar, New Delhi.
7. Shri Jai Kirat Singh Chauhan,
S/o Shri B. Singh,
R/o Gaddi Suthereshah,
Jamana Bazaar,
Delhi.
8. Kum. Achala Saxena,
D/o Shri K.C. Saxena,
183, Sect. IV, R.K. Puram,
New Delhi-110022. RESPONDENTS

(By Advocate: Shri B. Lall)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri P.K. Srivastava and 9 others have sought for a direction to the Respondents to quash and set aside the impugned order dated 21.3.94 (Annexure A-1) regularising production Assistants in Delhi Doordarshan Kendra and to issue an order/direction, directing the Respondents to confine strictly to the select list of eligible production Assistants for regularisation as production Assistants.

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as per their own scheme and appoint the applicants to the posts of Production Assistants retrospectively along with consequential benefits.

2. Shortly stated, the Production Assistants in Doordarshan Kendra, Delhi used to be appointed on the contract basis for a period of 10 days at a time. In response to the directions of the Tribunal the Resp. prepared a scheme for regularisation of eligible Production Assistants, and those who had put in the requisite number of days and otherwise satisfied the eligibility conditions, were regularised in terms of that scheme.

3. The applicants' contention is that persons mentioned in the impugned order dated 21.3.94, were junior to them as per final list of selected Production Assistants (placed at page 27 to 32 of the O.A.), but while those 5 persons were regularised vide impugned order dated 21.3.94, the applicants who were senior to them were not regularised, which action of the respondents is arbitrary, illegal and discriminatory.

4. The Respondents however contend that the said list has been replaced by a subsequent combined eligibility list of casual Production Assistants prepared in January, 1995 based upon the liberalised new Scheme (Annexure R-5).

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5. From a perusal of the said combined eligibility list of January, 1995 we note that whereas applicant Shri P.K. Srivastava appears at Sl. No.28 of that list; Shri Sri Kishan Verma who is at Sl. No.1 of the impugned order dated 21.3.94 appears at Sl. No.71 of that list. In this connection Respondents' counsel Shri B.Lall concedes that the new combined eligibility list of January, 1995 has been prepared in accordance with seniority and under the circumstances manifestly it would appear that Shri P.K. Srivastava, Sl.No.28 is senior to Shri Sri Kishan Verma. In fact Shri B. Lall concedes that applicants 1 to 8 who have already been regularised against available vacancies are senior to those mentioned in the impugned order dated 21.3.94.

6. That being the position as conceded by the Resp. counsel Shri B. Lall, the respondents should ensure that the seniority of the applicants 1 to 8 vis-a-vis those 5 persons mentioned in the impugned order dated 21.3.94 is correctly maintained, having regard to the contents of the Regularisation Scheme contained in D.G., Dordarshan's O.M. dated 9.6.92 as amended (if at all) from time to time, ^{and other} the relevant rules and instructions, entitling the applicants to consequential benefits flowing therefrom,

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7. That leaves applicants 9 and 10 namely S/Shri Gurvinder Singh and N.S. Rawat. The respondents' counsel Shri B. Lall contends that in the absence of vacancies it has not been possible to regularise these two at present, but they will be regularised as and when vacancies arise. On the other hand applicants' counsel Shri Bhardwaj has argued that persons junior to them have been regularised whereas they have been arbitrarily excluded from regularisation.

8. In the event that these two applicants file a self contained representation, specifying clearly whom they claim to be senior to, the Respondents are directed to examine the same and dispose of the claims in terms of the Scheme for regularisation as contained in O.G., Doordarshan O.M. dated 9.6.92 as amended from time to time (if at all) by a detailed, speaking and reasoned order under intimation to the two applicants within two months from the date of receipt of such representation. In the event that any grievance still survives, it will be open to S/Shri Gurvinder Singh and N.S. Rawat to agitate the same in accordance with law.

9. This O.A. is disposed of accordingly.
No costs.

A. Veda Valli
(DR. A. VEDA VALLI)
Member (J)

/GK/

S. R. Adiga
(S. R. ADIGA)
Member (A)