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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.730 of 1994

This 3rd day of June, 1994

Hon'ble Mr. J.P. Sharma, Member (J)  
Hon'ble Mr. B.K. Singh, Member (A)

Prakash Chand Sharma,  
S-609/C, Nehru Enclave,  
School Block, Shakarpur,  
Delhi-92

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Applicant

By Advocate: Shri K.N.R. Pillay

VERSUS

1. Union of India,  
Through, the Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhavan,  
New Delhi.
2. The Director General,  
Doordarshan,  
Mandi House,  
New Delhi.
3. The Director,  
All India Radio,  
Sansad Marg,  
New Delhi.

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Respondents

By Advocate: None

O R D E R

(By Hon'ble Mr. B.K. Singh, M(A))

The grievance of the applicant is that he was illegally terminated by the Director, Delhi Doordarshan Kendra by verbal order on 31.1.90 and that the entire batch (including him) of casual workers was replaced by a fresh batch. He is also aggrieved by the failure of the Director, Delhi Doordarshan in carrying out the order dated 25.7.91 of DG, Doordarshan to comply with the CAT judgment dated 26.4.91 in OA No.2052/89.

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2. The material averments in the OA are these. The applicant was one of the 30 casual workers sponsored through Employment Exchange against the requisition placed by Delhi Doordarshan Kendra in October 1989. No appointment order was issued to the applicant or to any of the selected candidates. The list of selected candidates was put up on the notice board (annexure IV of paper book).

3. A batch of casual workers who had been discharged by the Delhi Doordarshan Kendra in 1989 and 1990 filed an OA No.2052/89, Rameshwar & Anr. Vs. Union of India, challenging the system of engaging the selected casual workers for 3 months and then discharging them by verbal order at the end of the period and replacing them by another batch of casual workers similarly selected from candidates sponsored by the Employment Exchange. In the light of the judgment of the Principal Bench (annexure A-V), the respondents prepared a scheme for engagement and regularisation of casual workers. This scheme provided that a panel is to be prepared from amongst the casual workers on the basis of their seniority and when there is no work, the principle of "last come first go" will apply. The applicant is one of those casual workers who were discharged from the All India Radio. In the light of the judgment of the Principal Bench, the Director General, AIR, had issued a letter No.4/91/91-SVI dated 27.4.92 that it was not possible for each subordinate office under DG, AIR to maintain seniority list of casual workers and post them elsewhere when they are rendered surplus in that office. It was requested in that letter that the External Service Division should undertake the responsibility to maintain a Priority List of all casual workers in various subordinate offices and when they become surplus, divert them for re-engagement in another office on the basis of their seniority. The concerned subordinate office was required to refer to the ES Division the case of casual workers who became surplus and send particulars of their



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service so that entry could be made in the Priority Register. It has been stated in the OA that instead of taking action on the O.M. of the DG, AIR, mentioned above, the News Division discharged the applicant. He, therefore, made a representation dated 30.7.93 (annexure A-8) requesting that his particulars be entered in the Priority Register and as and when a vacancy occurs in any subordinate office for casual worker, his name should be sent. It is alleged that no reply has been received either from the Doordarshan to his representation or from the respondent No.3 and as such the applicant approached this Tribunal for redressal of his grievance.

4. The applicant has sought the following reliefs:

- (a) to direct the respondents 1 and 2 that the applicant's name be entered in its proper place in the seniority list of discharged casual workers for reappointment in preference to his juniors; and
- (b) to direct the respondents 1 and 3 that the applicant's name be entered in the Priority List of discharged casual workers maintained in the ES Division, AIR on the basis of his seniority and he be diverted to another subordinate office where vacancy becomes available.

5. A notice was issued to the respondents to file their reply but they have not bothered to file the same. Therefore the question of filing a rejoinder by the applicant does not arise. We have heard the learned counsel, Shri K.N.R. Pillay, for the applicant on admission. No one is present on behalf of the respondents. We therefore, intend to dispose of the application on the basis of merits.

6. The circular of the DG, AIR, mentioned above, to External Service Division to maintain seniority list of the casual workers and depute them to subordinate offices as and when there is a

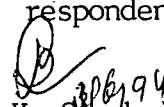


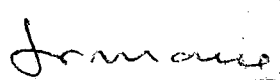
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requirement for engagement of casual workers, does not confer any right on the applicant unless it is specifically mentioned that he was appointed by the respondents on regular basis against a regular vacancy existing in their office. If the work is only for three months and after the completion of that work he is disengaged, the right will accrue only when it is specifically shown that XYZ, who were appointed later than him, have been re-engaged bypassing the applicant. This could not be shown during the course of arguments nor is there any document on record to show it. The list dated 23.11.93 filed by the applicant (annexure A-I) gives names of casual workers. In this list the date of appointment has not been shown in case of many casual employees and therefore it will be difficult to draw any inference from this list regarding their engagement. It would be seen from the list that people who are at the bottom were appointed earlier than the people whose names have been shown from Sl. No.1 to 18. Even if we presume this as a genuine list, it does not contain the name of the applicant.

7. The applicant cannot be treated as a person aggrieved under the provision of Section 19 of CAT Act. It has been clearly laid down that that an application is entertainable only if the person who is making the application is having an enforceable legal right. This has been held in case of Calcutta Gas Company Vs. State of West Bengal, AIR 1962 SC 1044. The existence of the right is the corner stone of the exercise of the jurisdiction of the Court. This has been held in State of Orissa Vs. Madan Gopal, AIR 1952 SC 12 followed in Calcutta Gas Company (supra).

8. We find that prima-facie no case is made out ~~application~~ for admission and as such the same is dismissed in limine under Section 19(3) of the CAT Act, 1985. The notices issued to the respondents are recalled.

  
( B.K. Singh )  
Member (A)

  
( J.P. Sharma )  
Member (J)