

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

U.A. No.1759 of 1988

Date of decision: 16th December 1993

Hon'ble Shri J. P. Sharma, Member (J)

Hon'ble Shri B. K. Singh, Member (A)

Shri Tilak Raj Malhotra

S/o Shri L. N. Malhotra

R/o E-4 Radio Colony

Kingsway Camp

DELHI

... Applicant

By Advocate Shri T. C. Aggarwal

Vs.

1. Union of India, through

Director, Doordarshan Kendra

Akashvani Bhawan

Parliament Street

NEW DELHI

... Respondent

By Advocate Shri M. L. Verma

JUDGEMENT (ORAL)

Hon'ble Shri J. P. Sharma, Member (J)

The applicant has been working on casual basis as Production Assistant with the respondent, Director, Doordarshan Kendra, Akashvani Bhawan, New Delhi since June 1981. The respondents placed a Advertisement for appointment <sup>of</sup> Production Assistant on regular basis for which a selection was held in December, 1984. The case of the applicant is that he, along with 12 other candidates was selected and empanelled but the order of appointment was not issued to him though it was issued to other selected candidates. The applicant therefore, after making representation, filed this application

on 8th September 1988. The applicant prays for the grant of relief that a direction be issued to the respondents to issue appointment order to the applicant against the post of Production Assistant with effect from the date of vacancy or the date on which panel of Selection was finally approved by appropriate authority, whichever is later, with all consequential benefits.

2. A notice was issued to the respondents who contested this application and stated that certain complaints were received regarding the irregularities in the selection of Production Assistants. On enquiry, certain infirmities were discovered as equal opportunity was not given to all eligible candidates, and certain relatives of the employees who were working in Doordarshan/AIR, was given appointment. Therefore, the panel was scrapped. Thus, it is said that even though the applicant may have been empanelled, but he has no case.

3. We have heard the learned counsel for the applicant on 13.12.93 and again on 15.12.93 and certain records were also summoned from the respondents.

4. The learned counsel for the respondents apprised the Bench that the applicant who was

earlier working on contract basis has also been made regular on the basis of the scale introduced for regularisation of casual workers in AIR and Doordarshan. The name of applicant appears at sl. no.49 of the Production Assistant List on regular basis, a copy of which has also been placed on record. The grievance of the learned counsel for the applicant is that though he prayed to waive the wages for the back period, but he should be given the seniority from the date any of the candidates from the panel was appointed.

5. We have further probed the matter and found that those persons who were issued offer of appointment on the basis of 1984 selection, though given appointment but their services were terminated under Rule 51 of CCS(CCA) Rules, 1965. By virtue of order passed in the case filed by those persons in OA No.1441 of 1981 an interim order was granted and they continued on the basis of interim direction issued by the Tribunal. The termination order passed in those cases has since been upheld in the final decision of the OA.1441 of 1988, so the applicant should not have any grudge on this account. The Departmental representative for the respondents stated that the judgement in O.A.1441 of 1988 delivered on 5.11.1988, be implemented in this case also subject

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to the approval of the Ministry. In such a situation, the question of giving any seniority to the applicant, does not arise. The applicant has claimed that he should be given seniority ~~vista-vis~~ those candidates who have been selected and empanelled in the selection of 1984.

6. The learned counsel for the respondent, however, pointed out that even empanelment does not confer any right on a candidate for an appointment to a post and in this case he has placed reliance on the case of Shri Shankar Das reported in 1991(17)ATC 75 decided by the Hon'ble Supreme Court.

7. In view of the above facts, we also find that the applicant on merit too, has no case for appointment on the basis of 1984 panel.

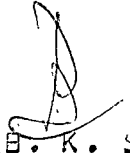
8. The respondents have also taken their stand that the panel has been scrapped in view of the fact that there were certain infirmities in the procedure for selection. If any fault was found in the selection and before that fault was discovered, certain persons were given offer of appointment, that will not be itself a ground to give the same benefit to the applicant who admittedly is a relative of one of the employees working in AIR and that fact is not disputed by the learned counsel for the applicant.

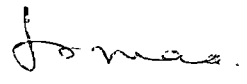
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9. In view of the above facts and circumstances of the case, we find no merit in this application and the same is dismissed, but it will not affect the benefit of regularisation already given to the applicant on the basis of scheme implemented for regularising casual Artists in AIR and Doordarshan.

No costs.

  
(B. K. Singh)  
Member (A)

  
(J. P. Sharma)  
Member (J)

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