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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

D.A. No.1959 of 1988

16th Day of December 1993

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

1. Shri Kishore Kumar, Technical Asst.
(Printed Publicity)
S/o Late M. L. Aggarwal
2. Shri Harvinder Singh, Technical Asst.
(Printed Publicity)
S/o Shri Gurnam Singh
3. Shri Ashok Gulati, Technical Asst.
(Printed Publicity)
S/o Late K. L. Gulati

Address of all applicants:

C/o Directorate of Advtg. &
Visual Publicity
Government of India
3rd floor, PTI Building
Parliament Street
NEW DELHI 110 001

... Applicants

(By Advocate Shri P. P. Khurana)

Vs.

1. Union of India, through
Secretary, Ministry of
Information & Broadcasting
Parliament Street
NEW DELHI

2. Director, Directorate of
Audio Visual Publicity
PTI Building
Parliament Street
NEW DELHI

... Respondents

(By Advocate Shri V.S.R. Krishna,
Proxy counsel for
Smt Raj Kumari Chopra)

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JUDGEMENT
(ORAL)

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

Vide Order No.A-12026/3/83-Est. dated 16th September 1984, the Directorate of Advertising & Visual Publicity made an offer to Shri Ashok Kumar Gulati for a temporary post of Technical Assistant (Printed Publicity) in the Directorate. At that time the applicant was working as Cameraman in the office of C.A.O., Ministry of Information & Broadcasting, New Delhi. He was formally issued an order of appointment on 6th October 1983.

2. Along with the applicant, applicant No.1 (Shri Kishore Kumar) and applicant No.2 (Shri Harvinder Singh) were also appointed as Technical Assistants in the same Department and Ministry. They jointly filed this application praying for the grant of the following reliefs:

- (i) To declare that the applicants are regularly appointed as Technical Assistants (PP) with effect from the date of their initial appointment.
- (ii) To order the respondent to give the benefits of entire service rendered by them for the purpose of promotion to the next higher post and for all other purposes.

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iii) To restrain the respondents from filling up the post held by them by any other appointees.

3. A notice was issued to the respondents. An interim direction was issued to the respondents that no fresh appointment shall be made in respect of posts held by three applicants without the leave of this Tribunal, on 31.10.88. That interim order has become absolute.

4. The learned counsel for the applicants stated that regarding the case of applicants Shri Kishore Kumar and Shri Harvinder Singh, the respondents themselves have granted relief as stated by them in the reply to Ground No.'B'. However, as regards the applicant Shri Ashok Gulati, because he has been over 37 years old, relaxation of age could not be allowed beyond five years as has been done in the case of the other two applicants. And, therefore, he was to revert to his parent department.

5. We have heard the learned counsel for the Shri P.P. Khurana applicants/and Shri V. S. R. Krishna, proxy counsel for Smt Raj Kumari Chopra, counsel for the respondents. The learned counsel for the respondents highlighted arguments on the basis of the counter filed by the respondents.

6. The facts of the case are that the applicant No.3 Shri Gulati was appointed from October 1983 and

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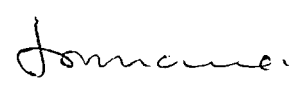
he is continuously working as Technical Assistant (PP) after being found fit in a pre-appointment test and interview held by the respondents. It is, therefore, averred in the application that the applicant possesses the eligible qualification laid down in the recruitment rules - both the academic as well as of experience, and he is also otherwise found fit during the course of working by being awarded commendation certificate.

7. The learned counsel for the applicant argued that since there was certain litigation pending in courts with regard to the next higher post of Assistant Production Manager, the case of the applicant for regularisation have not been considered earlier, and in the representation made by the applicant, he was informed that the matter is under consideration. When the respondents have already considered, with the consultation of U.P.S.C., the case of regularisation of applicant No.1 Shri Kishore Kumar and applicant No.2 Shri Harvinder Singh, it would be unjust and discriminatory to deny the same relief to the applicant No.3 Shri Ashok Gulati, solely on the ground that he had become over-aged. The applicant is in the central government employment in the Ministry of Information & Broadcasting. In such a case, the relaxation of age was not only proper but equity warranted the same.

8. In view of the above facts and circumstances of the case, the present application is allowed with the direction to the respondents to consider the case of regularisation of the applicant after giving relaxation in age and also give him the same benefits which have already been given to the applicants Shri Kishore Kumar and Shri Harvinder Singh. Respondents to comply with the direction within a period of 4 months from the date of receipt of this order. No costs.



(B. K. Singh)
Member (A)



(J. P. Sharma)
Member (J)

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