

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00562/2019

Tuesday, this the 23rd day of February, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Baiju P.G
Makeup Artist, Doordarshan Kendra
Kudapanakunnu P.O, Thiruvananthapuram – 965 043
Residing at C-8, Doordarshan Staff Quarters
Kudapanakunnu P.O, Thiruvananthapuram – 695 043
Mob No.8590448101 - Applicant

(By Advocate: Mr.Vishnu S Chempazhanthiyil)

Versus

1. Union of India, represented by its Secretary
Ministry of Information and Broadcasting
New Delhi – 110 001
2. The Director General
Doordarshan Kendra, Prasar Bharathi Corporation
New Delhi – 110 001
3. The Deputy Director General, Doordarshan Kendra
Kudapanakunnu, Thiruvananthapuram – 695 043 - Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC)

The application having been heard on 23rd February, 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

The applicant was initially engaged as Casual Artist on 24.3.1987 after due process of selection and was continuously engaged. As per the Director General's

Scheme of regularisation of Casual Artists in Doordarshan, applicant had been informed by communication dated 14.8.1997 and 13.5.1999 that he was eligible for regularisation. Ultimately, he was regularised against a vacancy shifted in December 2003 and his GPF subscriptions were being deducted from the salary of the applicant during initial period of regularisation. The Scheme itself provides that service relates to the date of initial engagement in the Kendra and in the case of the applicant, the date of initial engagement is 24.3.1987. Hence the applicant contends that he ought to be covered by the Pension Scheme in force at the relevant time. Government of India, Ministry of Finance have issued an O.M dated 13.7.2018 providing that even those regularized after 1.1.2004 will be covered by the Old GPF/Pension Scheme. The applicant is now compelled to join the New Pension Scheme by the DDK, Trivandrum. Hence the applicant has approached this Tribunal praying for the following reliefs:

“ 1. Declare that the applicant is eligible and entitled to be covered under the Pension Scheme in force prior to 1.1.2004 and direct the respondents to take appropriate steps to extend such consideration.

2. Direct the respondents to continue to deduct the GPF subscription from the applicant's salary as was being done (Annexure A-9).

3. Direct the respondents to extend the benefit of Annexure A8 to the applicant.

4. Call for the records leading to the issue of Annexure A11, A12 and A13 and set aside the same.

5. Direct the respondents to regularize the applicant w.e.f the date of arisal of vacancy in DDK Trivandrum I.e, December 2003 and extend all consequential benefits including Pension Scheme in force prior to 1.1.2004.

6. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

7. *Award the cost of these proceedings. “*

2. When the matter came up for consideration today, it appears that Annexure A-18 representation given by the applicant as per the new Office Memorandum issued by the Government is still pending with the Competent Authority. **Hence we deem it proper to direct the respondents to consider Annexure A-18 representation dated 1.10.2020 in the light of new O.M No.57/04/2019-P&PW(B) dated 17.2.2020 issued by the Government within a period of three months from the date of receipt of a copy of this order.**

3. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

- Annexure A1 - True copy of the O.M No.2(3)/86-SI dated 9.6.1992 issued by the 2nd respondent.
- Annexure A2 - True copy of the O.M No.4(1)/94-S.I. Dated 5.7.1994 issued by the 2nd respondent
- Annexure A3 - True copy of letter No.2(6)/97-A1/DKT dated 14.8.1997 issued by the 3rd respondent
- Annexure A4 - True copy of letter No.2(6)99-A1/DKT/525 dated 13.5.1999 issued by the 3rd respondent
- Annexure A5 - True copy of order dated 23.8.2001 in O.A No.573/2001 of the Hon'ble Tribunal
- Annexure A6 - True copy of order No.36/1/2003-SI(A). Part-I dated 22.9.2004 issued by the 2nd respondent
- Annexure A7 - True copy of the judgment dated 21.8.2015 in W.P.(C) No.12012/2010 of the Hon'ble High Court of Kerala
- Annexure A8 - True copy of O.M CPAO/IT & Tech/Clarification/P&PW/13(Vol-III)/2018-19/68 dated 13.7.2018 issued by the Government of India, Ministry of Finance.
- Annexure A9 - True copy of pay slips for the month of March 2005, April 2005 and May 2005-July 2005 of the applicant
- Annexure A10 - True copy of request dated 23.8.2017 to the 2nd respondent
- Annexure A11 - True copy of O.M No.68(18)2018-19/AC-1/DKT/227 dated 4.4.2019 issued by the 3rd respondent
- Annexure A12 - True copy of communication No.68(18)20118-19/AC.1/DKT dated 14.6.2019 issued by the 3rd respondent
- Annexure A13 - True copy of communication No.68(18)20118 -19/AC.1/DKT dated 15.7.2019 issued by the 3rd respondent
- Annexure A14 - True copy of the O.M No.2(3)/86-SI dated 10.6.1992 issued by the 2nd respondent

Annexure A15 - True copy of representation dated 25.7.2019 to the 2nd respondent

Annexure A16 - True copy of the O.M No.57/04/2019-P&PW(B) dated 17.2.2020 issued by the government of India, Department of Pension and Pensioners' Welfare

Annexure A17 - True copy of the O.M No.57/04/2019-P&PW(B) dated 25.6.2020 issued by the Government of India, Department of Pension and Pensioners' Welfare.

Annexure A18 - True copy of the representation dated 1.10.2020 to the 2nd respondent

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