

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 633/90
T.A. No.

199

DATE OF DECISION 7-6-1991

Shri Anil Kumar & Another

~~Petitioner~~ Applicants

Shri T.C. Aggarwal

Advocate for the ~~Petitioner~~(s) Applicants

Versus

Union of India through Dir. Gen., Respondent

~~Doordarshan & Another~~

Shri P.H. Ramchandani

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. M.M. Mathur, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *ye*
2. To be referred to the Reporter or not? *M*
3. Whether their Lordships wish to see the fair copy of the Judgement? */No*
4. Whether it needs to be circulated to other Benches of the Tribunal? */No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicants, who have worked as Floor Assistants on casual basis in Doordarshan, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that they be appointed on regular basis with all consequential benefits.

2. The application was filed on 11.4.1990. On the same day, the Tribunal passed an interim order directing the respondents not to make any regular appointment against

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the post of Floor Assistant without considering the claims of the two applicants who have worked in the post of Floor Assistants. They should be allowed to continue in the present posts in accordance with the existing terms and conditions and that the result of any selection shall also be not published. The interim order has been continued thereafter till the case was finally heard on 25.2.1991.

3. This Tribunal has considered in detail the legal position applicable to casual artists in its judgement dated 8.2.1991 in a batch of applications (DA-1894/90 and connected matters - Shri Vasudev & Others Vs. Union of India through Director General, Doordarshan) to which one of us (P.K. Kartha) was a party. The Tribunal concluded that the framing of a suitable scheme for regularising them is a constitutional imperative. In para.14 of the judgement, the Tribunal directed the respondents to frame a scheme for absorption of casual artists who have worked for a period of one year and more, keeping in view the following aspects:-

- (i) Casual Artists who have been engaged for an aggregate period of 120 days, may be treated as eligible for regularisation.

The broken periods in between engagement



and disengagement, are to be ignored for this period.

- (ii) The respondents shall prepare a panel of Casual Artists who had been engaged on contract basis, depending on the length of service. The names of those who have not been regularised so far, specially from 1980 onwards, though they may not be in service now, are to be included in the panel. Persons borne on the panel, are to be considered for regularisation in the available vacancies.
- (iii) For the purpose of regularisation, the upper age limit has to be relaxed to the extent of service rendered by the Casual Artists. 120 days' service in the aggregate shall be treated as the service rendered in one year for this purpose.
- (iv) Till all the Casual Artists who have been engaged by the respondents have been regularised, the respondents may not resort to fresh recruitment of such Artists through Employment Exchange or otherwise.

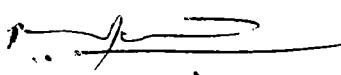
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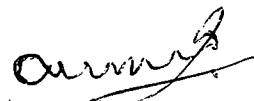
(v) Till the Casual Artists are regularised, the wages to be paid to them should be in accordance with the scale of pay of the post held by a regular employee in an identical post. The amount of actual payment would be restricted to the actual number of days worked during a month.

4. The aforesaid directions equally apply to the instant case where the applicants are similarly situated.

5. The application is, accordingly, disposed of with the aforesaid directions. The interim order passed on 11.4.1990 and continued thereafter, is made absolute to the extent of directing the respondents not to make any regular appointment against the post of Floor Assistant without considering the claims of the applicants and that till they are regularised, they should be allowed to continue in the present post in accordance with the existing terms and conditions.

6. There will be no order as to costs.


(M.M. Mathur)
Administrative Member


(P.K. Kartha)
Vice-Chairman (Judl.)