

OJ

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2860/2004

MA 2374/2004

New Delhi, this the 9th day of June, 2006

**Hon'ble Shri Justice M.A. Khan, Vice Chairman (J)
Hon'ble Shri V.K. Agnihotri, Member (A)**

1. Talib Jamal
S/o Sh. Syed Farooq Jamal
R/o F-50 Abdul Fazal Enclave,
Jamia Nagar, New Delhi.
2. Rukhsana
W/o Talib Jamal
S/o Sh. Syed Farooq Jamal
R/o F-50 Abdul Fazal Enclave,
Jamia Nagar, New Delhi. Applicants.

(By Advocate: Sh. M.K. Bhardwaj) VERSUS

Union of India & Ors through:

1. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi.
2. The Director General,
Prasar Bharti, Doordarshan Bhawan,
Mandi House, New Delhi.
3. The Director General (News),
Doordarshan News,
C.P.C. Khel Gaon,
New Delhi. Respondents.
4. The Deputy Director (News),
Doordarshan News,
C.P.C. Khel Gaon,
New Delhi.

(By Advocate: Sh. S.N. Sharma proxy for Sh. S.K. Pabbi)

ORDER

Shri V.K. Agnihotri, Member (A)

The applicants have filed this OA for a direction to the respondents to regularize the services of the applicants as Graphic Artists in the pay scale of Rs.1400-2600/- in terms of the Scheme for Regularization of Casual Production

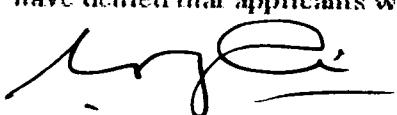


Assistants and General Assistants in All India Radio framed by the respondents, with all consequential benefits.

2. The applicants have been working with the respondents as Urdu Graphic Artists since December, 1990. It is stated that even though their contract was to work for 10 days a month, it was subsequently increased to 20 days a month. However, in terms of actual working conditions they have been working for the whole month since May, 1992 when the Daily Urdu News bulletins were introduced. Thus, at the time of filing of the OA they had rendered more than 13 years of continuous service. They have, therefore, sought regularization of their services in terms of the Scheme for ~~Regularization~~ ⁸ of Casual Production Assistants and General Assistants in AIR which prescribes that all casual artists who were engaged on casual/assignment basis as Production Assistant and General Assistants up to 31.12.1991 and were on the role of AIR will be eligible for regularization against the available vacancies, provided they have worked for an aggregate period of 72 days in a calendar year. In support of their claim, the applicants have filed certain particulars of duties performed by them as well as remuneration received for it from time to time.

3. Learned counsel for the applicants has drawn our attention to the decision of the Central Administrative Tribunal, Additional Bench, Calcutta in OA No. 232/1996 dated 16.6.2000. In the said order, direction was given to the respondents to consider the cases of the applicants therein, who were working as Casual Labourers since 1983, in the AIR, Calcutta, for absorption against the vacant posts.

4. The learned counsel for the respondents has stated that Doordarshan News has started functioning separately w.e.f. April 1996. Before becoming a separate wing, the News was under Doordarshan Kendra, Delhi. After separating from Doordarshan Kendra, the News has no sanctioned post in any of the category. The applicants were engaged in Doordarshan News on Casual/Assignment basis during the period their services were required as Graphic Artists for Urdu. The respondents have denied that applicants were engaged initially for 10 days/20 days and that they



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were booked for 10 days in a month on consolidated fee of Rs.1800 @ Rs.450/- per assignment. As per the annexure enclosed to the OA, the applicants have been engaged for a single day @ Rs.500 during the period from 17.1.1990 to 16.3.1992, and the applicants have been booked only for 14 days during the said period. Thus, they did not complete 72 days in a calendar year to qualify for regularization under the relevant scheme. The respondents have also denied the contention of the applicants that two posts of Graphic Artists in the pay scale for Rs.1400-2600/- were created with the approval of the competent authority. The office is running with the staff transferred from other offices of Doordarshan.

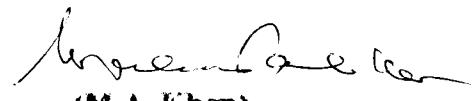
5. We have considered the rival submissions put forth at the bar by the learned counsel and perused the material on record

6. The only point before us for examination is whether the applicants are entitled to the benefit of the Scheme drawn up by the respondents for regularization of casual Production Assistants and General Assistants in compliance with the judgement of the Tribunal in *Suresh Sharma & Ors. v. Union of India & Ors.* (OA No. 822/1991). Admittedly, the main consideration for eligibility to the scheme is to establish having worked for an aggregate period of 72 days in a calendar year up to or before 31.12.1991. From the data placed on record in respect of the two applicants, as pointed out by the respondent, the fact of having worked for 72 days a calendar year up to or before 31.12.1992 is not at all established. Most of the other data provided relates to the period subsequent to the cut off date i.e. 31.12.1992.

7. In the result, for the foregoing reasons, there is no merit in the application. The OA is, therefore, dismissed. There will be no order as to costs.



(V.K. Agnihotri)
Member (A)



(M.A. Khan)
Vice Chairman (J)