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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 3008/1992

Date of decision:27.05.1993

Shri Sri Krishna Verma & Others .Applicants
Versus

Union of India & OthersRespondents

For the Applicants .Shri A.K. Behra,Counsel

For the Respondents ..Shri M.L. Verma,Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

sy The ^{respective} petitioners are working as
Production Assistants (News) in the Doordarshan
with effect from 11.05.1989, 1.4.1989, 11.10.
1989, 10.05.1989 and 11.05.1989. They have
approached this Tribunal with the prayer that
their services may be regularised.

2. A counter-affidavit has been filed.
Counsel for the parties have been heard.

3. It is .. common ground that a Scheme
has been drawn up by the Doordarshan for regu-
larising the services of these Casual Artists.
By a Notification dated 30.10.1987 in exercise
of the powers conferred under the proviso
to Article 309 of the Constitution of India,
the President has made the Doordarshan

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Programme (Technical/Group 'C' Posts) Recruitment Rules, 1987. According to the Rules the age limit for the direct recruits of Production Assistants is between 18 to 25 years. However, there is a note which states that the age limit is relaxable for Government servants upto 35 years in accordance with the instructions or orders issued by the Central Government. It also appears to be an admitted position that even on the date when the petitioners were recruited as Casual Artists, they had crossed the age of 25 years. Shri M.L. Verma, the learned counsel for the respondents has vehemently urged that this Tribunal should not give any relief as they cannot get any advantage of the Scheme in view of the Rule framed by the President that a candidate should not be beyond the age of 25 years at the time of recruitment.

4. Rule 7 provides that where the Central Govt. is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any one of the provisions of these rules with respect to any class or category of persons. It is thus clear that the Central Government is empowered to give a relaxation in the matter of age. The note referred to above, prescribes the outer limit of age relaxation. In other words, it prohibits the giving of any relaxation beyond the age of 35 years.

5. One Mrs. Ranjana Parashar, a Production Assistant came to this Tribunal by means of OA 2784/1992 with the prayer that a direction may be issued to the respondents therein to regularise her services. On 22.01.1993, two learned Members of this Tribunal while

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disposing of the said OA and while deciding the question of age observed, "We have carefully considered the matter. In our opinion, the applicant having continuously worked as Casual Staff Artist/Production Assistant for the last over 4 years must be deemed to be appointed/engaged by relaxing the rules". We have already indicated that there is power to relax the age bar. The authority concerned while considering the cases of the petitioners for regularisation in the light of the scheme, shall bear in mind the power conferred upon it to relax the age bar and also keep in view the observations made by the Tribunal. We have no doubt that the authority concerned shall decide the cases of the petitioners on purely judicial considerations.

6. On 20.11.1992, this Tribunal passed an interim order to the effect that the petitioners may be continued as Production Assistants (News) and that they should be empanelled as Casual Staff Artists for regularisation. This interim order continues to operate even now. Counsel for the petitioners have stated that in spite of the said interim order, in fact, the petitioners have been allowed to work for 10 days in a month. He has urged that this arrangement may be continued till a decision is taken by the authority concerned. Shri Verma, the learned counsel for the respondents states that in view of the various decisions given by this Tribunal in a large number of cases from time to time, a large number of Casual Artists have been regularised and there are no vacancies for casual Production Assistants. The authority concerned

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shall decide the matter of the petitioners as expeditiously as possible but not beyond a period of one month from the date of production of a certified copy of this order by any of the petitioners before it. We are passing this order in view of the peculiar facts and circumstances of this case. We also direct that the respondents shall endeavour to continue to give to the petitioners work for 10 days in a month till a final decision is taken. If the authority comes to the conclusion that no work can be given to the petitioners, it shall record reasons.

7. With these directions this application is disposed of finally but without any order as to costs.

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(S.R. ADIGE)
MEMBER (A)
27.05.1993

S.K.
(S.K. DHAON)
VICE CHAIRMAN
27.05.1993

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