

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

22

C.A.NO.1747 of 1993

Date of Decision 20-7-1999

Raje Singh Rawat & Ors Applicant(s)

Shri B.B. Raval

Union of India - M/o I&B & Ors Advocate for the Applicant(s)

Versus

Union of India - M/o I&B & Ors Respondent(s)

None

Advocate for the Respondent(s)

C O R A M: (Single/Division)

Hon'ble Shri Justice V. Rajagopal Reddy, V.C(J)

Hon'ble Shri R.K. Ahooja, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?  Yes/No

2. To be referred to the Reporter or not?  Yes/No

*R*  
(R.K. AHOOJA)  
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.1747/93

Hon'ble Shri Justice V. Rajagopala Reddy, VC(A)  
Hon'ble Shri R.K. Aahooja, Member(A)

New Delhi, this the 26<sup>th</sup> day of July, 1999

23

1. Raje Singh Rawat  
S/o Shri K.S. Rawat  
Aged about 30 years  
R/o X-732, Sarojini Nagar  
New Delhi 110 023
2. Prabodh Dobhal  
S/o Shri U.D. Dobhal  
Aged about 38 years  
R/o 61, Himalaya Apartments  
Plot No.61, I.P. Extension  
Patparganj, Delhi 110 092
3. Vinod Singh Rawat  
S/o Late Shri Bhopal Singh Rawat  
Aged about 34 years  
R/o A-43, Gali No.7  
East Vinod Nagar, Delhi 110 091
4. Ms. Madhu Bala  
D/o Shri Ajay Arora  
Aged about 35 years  
R/o 1/20 Vijay Nagar, Delhi
5. Ms. Anjana Punj  
D/o Shri R.P. Sharma  
Aged about 36 years  
R/o F-276-B, LIG DDA Flats  
Dilshad Garden, Delhi

.... Applicants

All employed as General Assistants in the  
Directorate General of Doordarshan, New Delhi.

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India  
Through the Secretary  
Ministry of Information & Broadcasting  
Government of India  
Shastri Bhavan, New Delhi
2. The Director-General  
Directorate General of Doordarshan  
Mandi House, New Delhi
3. Shri Ram Vilas  
Deputy Director(Admn.)  
Doordarshan Kendra  
New Delhi
4. Ms. Meena Kumari  
Through Respondent No.2

2

5. Shri R.K. Swami  
Through Respondent No.2 ... Respondents  
(By Advocate: None)

O R D E R

[Hon'ble Shri R.K. Aahooja, Member(A)]

2A

The applicants submit that they were recruited as General Assistant on casual basis on various dates between 1981 and 1983. The respondents had also simultaneously been engaging various other categories of personnel like Floor Assistants, Production Assistants, Lighting Assistants, Carpenters, Painters, Cameraman, etc. The casual employment offered to these Artisans and Assistants was for 14 days initially whereafter technical breaks were given. Since the applicants and the other casual employees considered the above practice to be a case of economic exploitation, they organised themselves into a Union under the caption "Doordashan Staff Progreamme Union". Thereafter a series of OAs were filed before the Tribunal, i.e. Nos. 563/86, 977/86, 2514/89 and 896/86 which were disposed off by a common judgment dated 14.2.92. Earlier by an interim order dated 5.10.90 the respondents had been asked to prepare a scheme for regularisation of the daily rated casual workers and to determine the terms and conditions for engagement of daily rated casual empl oyees in future and their absorption in due course. The draft scheme dated 10.6.92 prepared by the Director General of Doordarshan was then considered parawise. In its final order the respondents were directed to finalise the scheme within a period of three months in the light of the observations made by the Tribunal and a further direction was given that the regularisation of eligible casual workers in available

2

vacancies should be done within six months. In compliance of these directions an office memorandum was issued by the respondents on 10.6.92 outlining the guidelines for implementing the scheme. Later the Tribunal extended the time for implementation of these directions upto 31st December, 1992. The applicants allege that instead of regularising the casual workers as per the seniority list, they have offered letters of appointment to juniors respondents No.4 and 5 overlooking the claims of the applicants who are still waiting for the implementation of the scheme. They have, therefore, come before the Tribunal seeking a direction to the respondents to quash these orders of appointment and also to issue regularisation orders in respect of the applicants from the same date.

2. The respondents in their reply have stated that they have issued orders to regularise casual artists working in different disciplines strictly according to the vacancies available and in order of seniority of the candidates who were found eligible. They have submitted that only such of the casual workers were to be regularised who were eligible. According to the respondents the applicants are not eligible and hence they cannot claim any seniority over those whose names have been included in the eligibility list.

3. We have heard Shri Raval, learned counsel for the applicants. Despite the fact that the O.A. has been on board since 15.1.99, none has appeared for the respondents on the past 9 dates on which the O.A. came

Dr

up for hearing. We are, therefore, constrained to decide the O.A. on the basis of the pleadings and on the basis of the arguments advanced by Shri Raval.

26

4. The Tribunal by an interim order dated 17.6.94 had noted the submissions of Shri M.L. Verma, learned counsel for the respondents that the applicants were being paid the revised pay scales of casual artists made effective in News Division, Doordarshan Kendra, New Delhi.

5. It appears from the pleadings that the reason why the respondents have not considered the applicants as eligible is that they did not come within the upper age limit for being appointed against the regular vacancies. We notice that as per the Office Memorandum dated 10.6.92 (Annexure A3) scheme prepared by the respondents, a relaxation in the upper age limit was provided in the following terms:-

For determining the number of years for which age concession is to be given, engagement for a total period of 120 days in one calendar year, will be taken as one year. The engagement of less than 120 days in any year will not qualify for age concession.

6. We also notice that in the seniority list annexed to the O.A. applicant No.1 Shri Raje Singh Rawat has been shown overage at the time of his first booking. No particulars are available about the other applicants. The directions of the Tribunal, as we see also in the scheme were to grant relaxation in age for employment on a certain basis as has been quoted above. Neither the applicants nor the respondents have stated as to whether

On

the applicants are still overage after calculating the age relaxation in terms of the aforesaid instructions. On the other hand, directions cannot be given for regularisation of the applicants outside the terms of the scheme which has been approved by the Tribunal vide its order dated 14.2.1992.

21

7. In the above circumstances, we find no alternative but to dispose off this O.A. with the directions to the respondents to redetermine the eligibility of the applicants after duly calculating the age concession available to them by instructions quoted above in para 6. In case the applicants thereafter come within the eligibility criteria, they should be granted regularisation from the same date as has been done in the case of their next juniors in terms of date of their first booking. However, if they still cannot be included in the eligibility list, they will continue to be granted casual engagement subject to availability of work in preference to juniors and outsiders.

  
(R.K. Ahooja)  
Member(A)

  
(V.Rajagopala Reddy)  
Vice Chairman(J)

sc\*