

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(5)

OA No.79/93 Date of decision: 03.05.93.

Sh.Birender Singh ... Petitioner
versus
Union of India & ors. ... Respondents

Coram:

The Hon'ble Mr.Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr.S.R.Adige, Member(A)

For the Petitioner ... Sh.A.K.Behera, Counsel.

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

JUDGEMENT (ORAL)

(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN)

On 12.8.92 by means of Office Memorandum issued by the Superintending Engineer, Central Production Centre, Doordarshan, New Delhi, the petitioner was offered a temporary post of Floor Assistant in the office of the Director, Central Production Centre. On 10.9.92. The Superintending Engineer issued a communication. Its subject was—"Scheme for regularisation of Casual Artistes in Doordarshan-appointment of Floor Assistants". According to this communication, the petitioner is over-age. According to it, a candidate should not be more than 25 years as on 9.6.92 in accordance with the clarifications issued by the Directorate General, Doordarshan vide their Office Memorandum dated 1.9.92.

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The petitioner's case is that the age prescribed at the time of his appointment was that a candidate should be between 21 and 30 years. The contention is that the Office Memorandum dated 1.9.92 has no application to the case of the petitioner. No memorandum can be given retrospective operation.

No reply has been filed on behalf of the respondents in spite of time having been granted. On the last hearing i.e. on 30.04.93, Shri Verma, learned counsel for the respondents had undertaken to produce the record today (3.05.93). However, the record is not being produced before us.

We are of the view that the alleged clarification issued by Directorate General, Doordarshan on 1.9.92 has no application to the case of the petitioner. It cannot be given a retrospective operation. We direct the respondents that the communication dated 10.9.92 issued by the Superintending Engineer shall not be enforced as against the petitioner.

It is stated that on the basis of the said communication dated 10.9.92, the petitioner was prevented from joining duty. From the view

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we have taken, it follows that the petitioner shall be treated to be in service on the same terms and conditions on which he had been appointed. The respondents shall pay the backwages to the petitioner within a period of one month.

With these observations, this OA is finally decided but with no order as to costs.

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(S.R. ADIGE)
MEMBER(A)

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(S.K. SHAON)
VICE CHAIRMAN