

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00324/2021

Date of Order: This, the 12th day of October, 2021

HON'BLE MS. JASMINE AHMED, MEMBER (J)

Rajeev Kumar Sahu, aged about 56 years, S/o late Shiv Prasad Sahu, R/o 42 Shiva Bhawan, Jai Narain Road, Hussainganj, Lucknow.

..... Applicant

By Advocate: Sri Amit Verma.



Versus.

1. Union of India through Secretary, Ministry of Information & Broadcasting, Government of India, New Delhi 110 001

2. Broadcasting Corporation of India, Doordarshan Bhawan, Copernicus Marg, New Delhi through Director General.

3. Director Prasar Bharati, Broadcasting Corporation of India, Doordarshan Kendra, Lucknow.

..... Respondents

By Advocate: Ms. Prayagmati Gupta

ORDER (ORAL)

This is fourth round of litigation. Applicant was initially appointed as Production Assistant on casual basis w.e.f. 22.1.1989 and his name finds at sl. No.1 in the seniority list for the post of Production Assistant as prepared by the respondents. It is the case of the applicant that without considering his name, his juniors have been regularized in service and, therefore, he approached to this Tribunal by filing O.A. No. 679 of 1994, which came to be disposed of finally vide judgment and order dated 23.5.2000 directing the respondents to consider the claim of the applicant for regularization in the light of the Scheme dated 9.6.1992 and calculate the working days as per Office Memorandum dated 17.3.1994. In compliance of the order of this Tribunal, the respondents have rejected the claim of the applicant vide order dated 27.2.2001 indicating therein that the applicant had had worked only 63 days in 1989 and, therefore ineligible for regularization. The said order was assailed by the applicant through O.A. No. 163 of 2002, which came to be partly allowed vide judgment and order dated 27.9.2004 directing the respondents to recalculate the working period of the applicant for regularization strictly in accordance with O.M. dated 17.3.1994 and if the applicant is found to have been eligible as per the instructions, he shall be considered for regularization and would be entitled to all consequential benefits.





2. Since the judgment and order of this Tribunal was not complied with, the applicant filed Contempt petition No. 03 of 2005 and upon receipt of notice, the respondents passed an order dated 27.7.2005 rejecting the claim of the applicant. The applicant again approached to this Tribunal by filing O.A. No. 243 of 2007 assailing the order dated 27.7.2005, which came to be allowed vide judgment and order dated 23.3.2012 directing the respondents to pass appropriate orders in respect of regularization of services of the applicant in the light of the observations made in the judgment. In compliance of judgment and order of this Tribunal, the services of the applicant has been regularized vide order dated 30.8.2012. It is averred that juniors to the applicant has been considered and regularized in the year 1992 and since then the applicant has been agitating the said issue and ultimately the applicant has been regularized in the year 2012, though he is at sl. No.1 in the seniority list of Production Assistant on casual basis.

3. Upon regularization the services of the applicant, he submitted various representation to the authorities concerned for being regularized his services from the date of his initial appointment or atleast the date from which juniors to him has been considered and regularized, but no heed was paid by the respondents. However, the respondent no.3 vide letter dated 6.6.2019 has forwarded the representation of the applicant to respondent no.2

alongwith the required documents for necessary action, but that too has not been responded by the respondent no.2 till date. Lastly, the applicant preferred a representation dated 17.3.2021 to the respondent no.2 detailing the facts, in detail with a request to regularize his services from the year 1992 when his juniors were regularized and according all benefits viz. seniority etc., which is said to be pending for adjudication.

4. At this stage, learned counsel for the applicant submits that the applicant would be happy and satisfied if a direction be given to the respondent no.2 to consider and decide the pending representation dated 17.3.2021 in accordance with law by passing a reasoned and speaking order, to which learned counsel for the respondents has no objection.



5. Looking to the innocuous prayer made by the learned counsel for the applicant, without going into the merits of the case, this O.A. is disposed of finally with a direction to the respondent no.2 to consider and decide the pending representation of the applicant dated 17.3.2021 in accordance with law by passing a reasoned and speaking order within a period of two months from the date of receipt of certified copy of this order under intimation to the applicant.

6. With the above directions, this O.A. stands disposed of. No order as to costs.

(Ms. Jasmine Ahmed)
Member-J

Girish /-

