

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

(8)

O.A. NO. 355/90
~~T.A. NO.~~

DATE OF DECISION 19-8-94

Mr. Paresh G. Mankad Petitioner

Mr. M.D. Ranna Advocate for the Petitioner (s)

Versus

Union of India and Others Respondent

Mr. Akil Kureshi Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. K. Ramamoorthy Member (A)

The Hon'ble Mr. Dr. R.K. Saxena Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

/ 48

9

: 2 :

Paresh G.Mankad,
serving as Science Officer,
All India Radio, residing
at Sanskar Suchita Apartment,
Issanpur, Ahmedabad.

...Applicant.

(Advocate : Mr.M.D.Rana)

Versus

1. The Union of India,
Notice to be served through
the Ministry of Information and
Broadcasting,
Broadcasting House,
New Delhi.
2. The Director-General,
All India Radio,
Parliament Street,
New Delhi.
3. The Station Director,
All India Radio,
Near High Court,
Ahmedabad.

...Respondents.

(Advocate : Mr.Akil Kureshi)

JUDGMENT

O.A.NO. 355 OF 1990

Date :19.08.1994.

Per : Hon'ble Mr.K.Ramamoorthy : Member (A)

The application has been filed for seeking redress by way of regularisation of the services of the applicant in the regular cadre of Assistant Station Director and thereafter also for including in the panel for promotion as Station Director. The applicant was appointed as Science Officer in the All - India Radio from 24th June, 1977. The respondents had, in their letter of 1988, informed the applicant that since he had not exercised option for converting into regular civil service under the Government, his services had been continued on existing contractual terms. On receipt of this letter, the applicant

70

: 3 :

had filed an option form in 1988. However, the applicant's name had still not been included in the regularisation order in the grade of the Assistant Station Director.

The respondents, in their reply, have stated that the employees were specifically ordered to give option in 1982 to be exercised within two months and since he had not exercised the option, the applicant was continued to have opted to remain as staff artist as existing on contractual terms. It is clear that the applicant has also not denied the fact of his having not formally exercised his option in 1982 though it is the contention of the applicant that non-exercise of this option cannot take away his rights provided to him by virtue of the statutory provisions under Article-209.

After filing the O.A. in March, 1990, the applicant also sought, by way of a miscellaneous application No.48 of 1993, to bring on record the letter of 19th November, 1992, wherein the Director-General All-India Radio had specifically stated that even the staff artists, who have not opted for the scheme, will also be deemed as Government servants.

After perusal of the averments it is clear that the issue in this case is not so much of continuance of the services of the applicant as one of being absorbed in the particular cadre of the Assistant Station Director of the All-India Radio. It is clear that encadrement is a

..4..

R

(11)

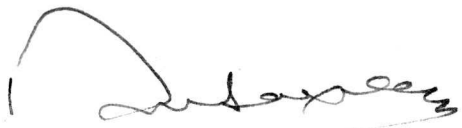
: 4 :


process which has to be undertaken with considerable formalities, as interest of various persons included in the cadre is affected. It is, therefore, understandable that if an option date is given, adherence to this option date and taking into consideration only the cases of persons who have opted are insisted upon. Deemed status of a Government servant does not also confer right to be included in a particular cadre.

The respondents have, in their averment, also stated that inspite of this actual legal position by virtue of direction given by the Supreme Court in one S.L.P. the Department is already examining the scheme of 1932 by a High-powered Committee and the decision of the High-powered Committee will automatically also cover the cases of persons who have either not opted or who would like to have the benefit of reconsideration of the option.

In view of the facts and arguments as stated above, the petition fails.

No order as to costs.


(Dr. R.K. Saxena)
Member (J)


(K. Ramamoorthy)
Member (A)

ait.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(12)

R.A. No. St.58/94 IN

O.A. No. 355/90

~~T.A. No.~~

DATE OF DECISION 06-01-1995

Shri Paresh G. Mankad Petitioner

Mr. M.D. Rana Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. K. Ramamoorthy, Member (A)

The Hon'ble ~~Mr.~~ Dr. R.K. Saxena, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Paresh G. Mankad,
Science Officer,
All India Radio,
Residing at : 49 Sankrar
Suchita Society,
Maninagar, Ahmedabad.

..... Petitioner
(Ori. Applicant)

(Advocate : MR. M.D. Rana)

Versus

1. Union of India,
Through the Ministry of
Information & Broadcasting,
Broadcasting House,
New Delhi.
2. The Director General,
All India Radio,
Parliament Street,
New Delhi.
3. The Station Director,
All India Radio,
Near Gujarat High Court,
Ahmedabad.

..... Respondents
(Ori. Opponents)

(Advocate : Mr. Akil Kureshi)


ORDER


R.A. No. St.58/94 in O.A. No.355/90

Date : 06-01-1995

Per : Hon'ble Mr. K. Ramamoorthy, Member (A)

The R.A. has been filed against the order passed on 19th August, 1994. The point urged in the R.A. is the fact that the respondents had consequently passed a consequential order and articulated the norms conferring certain rights and benefits which should be extended to the employees. This contention is not an adequate cause for review since the request is a sequel to the application filed by the applicant and can at best be considered as a fresh matter for possible adjudication. The order itself has recognized the fact that the applicant is a civil servant but that fact by itself cannot entertain him to be considered to belong to a particular cadre. Since there is no ground for review, the application is rejected.


(Dr. R.K. Saxena)
Member (J)


(K. Ramamoorthy)
Member (A)