

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /489/93
T.A. No.

DATE OF DECISION 23rd November, 1994

Shri B.M.Khambhatta & ors. Petitioner

Shri M.S.Trivedi Advocate for the Petitioner(s)

Versus

Union of India & ors. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V.Radhakrishnan : Administrative Member

The Hon'ble Mr. Dr.R.K.Saxena : Judicial Member

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 ?

No

1. B.M.Khambhatta
2. V.N.Adesara
3. D.N.Thakkar
4. Kum.Margret Ferrier,
5. J.H.Bhatt

All C/o, Shri B.M.Khambhatta,
1, Sorab-villa, Ashram Road,
Navrangpura, Ahmedabad.

applicants

Advocate Shri M.S.Trivedi

versus

1. Union of India, Through :
Raj Bhargav, the Secretary,
Ministry of Information &
Broadcasting, Shastri Bhavan,
New Delhi.
2. R.Basu,
The Director General of Doordarshan,
Mandi House,
New Delhi.
3. Smt.Sarojbala Chandola,
The Director,
Doordarshan, Thaltej,
Ahmedabad.

respondents

Advocate Shri Akil Kureshi

ORAL ORDER

O.A.489/93

Date: 23.11.94

Per Hon'ble Dr.R.K.Saxena : Member (J)

This case ^{has chequered} / history. The applicant

had previously filed O.A.486/89 to 492/89, which were decided

on 30-11-1992. The case of the applicants on the earlier applications was ^{that they were appointed} ~~ever decided~~ by the respondents as Staff Artists, which post was subsequently described as post of General Assistant/General Clerk. The applicants, however, ^{were} not regularised on the posts because the posts were not available. This issue came up for decision before the Principal Bench and some directions about framing the scheme were given by the Principal Bench. Accordingly, the respondents had drawn a scheme in the light of the directions given by the Principal Bench and the scheme having been drawn, this Bench decided all the O.A.'s 486/89 to 492/89 giving directions to consider the case of the applicants. The matter was then considered by the respondents and the Senior Administrative Officer, on behalf of ^{the Director of} Doordarshan passed the order on 23-3-1993 intimating the applicants that the scheme was not applicable to the posts of Clerk Grade II and as such their case ^{which is} for regularisation against the posts of Clerk Grade II, could not be considered. The respondents also passed another order dated 3-9-1993, Annexure A/13, whereby the casual engagements ^{were} discontinued at Doordarshan Kendra, Ahmedabad. Thereupon third round

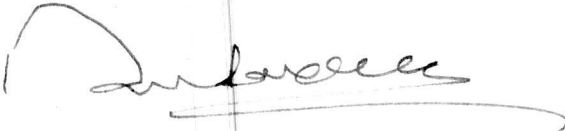
of litigation was started by filing this O.A. jointly by five applicants. They challenged^e the impugned order, dated 23-3-1993, Annexure A/11 and also the order dated 3-9-1993, Annexure A/13. They sought the quashment of these orders and side by side^{sought} regularisation of the applicants on the posts of General Assistants with continuity of service from the date of their respective engagement. It is also pointed out that the applicant No.1, namely Shri B.M.Khambhatta, was ordered to be regularised vide order dated 30-12-1982, Annexure A/16, but it was never complied with.

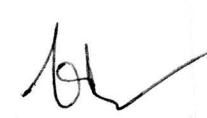
2. The respondents contested the case on several grounds and took the plea that the applicants were not entitled to be considered for regularisation on the posts of Clerk Grade II because the scheme did not permit such kind of inter-change. It is, however, pointed out by the learned counsel for the respondents that in view of the observations made by the Tribunal in Contempt Petition No.38/93 in O.A.489/89 to 492/89 decided on 10.8.1994, the respondents were considering the regularisation of the applicants on the posts of Clerk Grade II. In this connection, the letter dated 16-11-1994 written by Deputy Director Administration, has been brought on record. This order^e specifies that the Ministry of Information and Broadcasting had approved the regularisation of eligible^e casual

General Assistants against the vacant posts of Clerk Grade II and the cases of the applicants ~~in~~ ^{again} are in process of consideration.

3. During the arguments, learned counsel for the applicant pointed out that if there are vacancies available of General Assistant, some of the applicants may be accommodated against them, and remaining may be considered as against the vacant posts of Clerk Grade II. Learned counsel for the respondents, however, ~~vehemently~~ ^{criticised} the stand taken by the learned counsel for the applicant on the ground that previously the applicants wanted inter-change and thereby to be regularised on the vacant posts of Clerk Grade II and when the Department started the process, a new plea of their being accommodated against the vacant posts of General Assistant, has been brought about. In view of the scheme, the photostate copy of which has been brought to our notice, it was framed to regularise the casual Staff Artists as against the vacant posts of General Assistants. In this way, this aspect of the matter may also to be considered by the respondents. If the vacancies are available, of the posts of General Assistant, the applicants to the extent of such posts available, may be ^{considered against those posts,} provided they fulfill the requisite qualifications therefor. The remaining

candidates may be considered as against the vacant posts of Clerk Grade II in accordance with the scheme. Since the respondents having ^{started} consideration ~~the~~ cases of the applicants, ^{favourably and in the light of} ~~unfortunately~~ the points mentioned in the scheme, we find that the impugned orders, Annexure A/10 and Annexure A/13 should be quashed. It is also necessary for the reason that they ^{are} not ^{speaking} orders. Accordingly, both the impugned orders, Annexure A/10 and Annexure A/13 are quashed and the respondents are directed to consider the cases of the applicants in the light of the guide-lines ^{and in} given in the scheme, the letter dated 16-11-1994 produced today by the respondents, and also in the light of the observations made by us above. The consideration of the matter may be concluded within a period of 3 months from today. The application is disposed of accordingly. No order as to costs.


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


(V. Radhakrishnan)
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. 04/489/93 of
Transfer Application No. _____ of

CERTIFICATE

Certified that no further action is required to be taken and
the case is fit for consignment to the Record Room (Decided).

Dated : 20.01.95

Countersign :

23/1/95
Section Officer.

cccccc
Signature of the Dealing
Assistant

INDEX - SHEET

NAME OF THE PARTIES MR. B.M. Khombhata & ORS

U. O. 1. 8 Oct.

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