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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 29 OF 1994.

Cuttack, this the 30th day of September, 1999.

DIBAKAR SUTAR.

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APPLICANT.

- Versus -

UNION OF INDIA & OTHERS.

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RESPONDENTS.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes,
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

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SOMNATH SOM
VICE-CHAIRMAN

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C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
&
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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DIBAKAR SUTAR,
S/o. Bishnu Charan Sutar,
At/Po. Tirtol, Dist. Jagatsinghpur. Applicant.

By legal Practitioner : M/s. R. N. Naik,
A. Deo,
B. S. Tripathy,
P. Panda,
S. K. Sahu,
Advocates.

- Versus -

1. Union of India represented through
Director General, Doordarshan,
Doordarshan Bhawan, Mandi House,
New Delhi-1.

2. Director,
Doordarshan Kendra,
Po. Sahiik School,
Town/Munisifi-Bhubaneswar,
Dist. Khurda. RESPONDENTS.

By legal Practitioner : Mr. Anup Kumar Bose,
Senior Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to the Respondents to regularise his services in Doordarshan Kendra, Bhubaneswar.

2. Facts of this case, according to the applicant are that he was given work as a Casual worker in letter dated 31.8.1979 and had been allowed to work as general Assistant initially. Later on, he was given work in different dates till 1982. He had completed 120 days in the year 1981-82 and had worked for more than 438 days during the year 1979 to 1983. Applicant has stated that for regularisation of casual Artists in Doordarshan, a scheme has been formulated by the Director General, Doordarshan, which is at Annexure-3, and according to this scheme, he is entitled to be regularised but as his case has not been considered for regularisation, applicant has come up with the prayer referred to earlier.

3. Respondents in their counter have admitted that the applicant has been engaged as a Casual Artist (general Assistant) from 1979 till 1983. According to the Respondents, the number of days of engagement of applicant during this period is as follows:

1979 - 21 days
1980 - 82 days
1981 - 156 days,
1982 - 153 days
1983 - 25 days.

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Respondents have also admitted that in pursuance of the decision of the Principal Bench as also the Hon'ble Supreme Court, a scheme for regularisation of casual Artists has been prepared by the Director General of Doordarshan. Respondents have stated that the case of the applicant was considered for regularisation in accordance with the scheme but as he was not eligible, he could not be regularised. On the above grounds, Respondents have opposed the prayer of applicant.

4. Today when the matter was called, learned Counsel for the Applicant and his associates were absent nor was any request made on their behalf seeking adjournment. This 1994 matter, has come up for hearing from the warning list which has been notified some weeks ago. In view of this, it has not been possible to adjourn the matter further. We have, therefore, heard Mr. Anup Kumar Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

5. It is admitted between the parties that the applicant worked as casual Artist (General Assistant) in Doordarshankendra, Bhubaneswar from 1979 to 1983. According to applicant, he had worked more than 120 days, in the year 1981 and 1982. This is also admitted by the Respondents. Respondents have pointed out that the case of the applicant for regularisation was considered but the applicant was found ineligible on the ground of he being overaged. We note from the pleadings of the parties that for regularisation of general assistants, the maximum age limit was 25 years. As the applicant has completed

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more than 120 days in 1981 and 1982, he would have been entitled to age relaxation for two years. Thus, on the date of consideration of his case for regularisation, he would have been entitled to regularisation had he been aged less than 27 years even though the maximum age for recruitment of General Assistant is 25 years. But in the instant case, applicant was aged more than 33 years as on 09-06-1992. In view of this, it is clear that on the crucial date, the applicant was overaged even granting the age relaxation provided to such candidates under the scheme enclosed by applicant himself at Annexure-4. In consideration of the above, we hold that the applicant is not entitled to regularisation on the ground of ~~he is~~ ^{his} being over-aged on the crucial date.

6. In the result, we hold that this original Application is without any merit and is rejected but under the circumstances, without any order as to costs.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
30-4-99