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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NOS. 432 AND 433 OF 2004
CUTTACK, THIS THE 20th DAY OF JULY, 2006

CORAM:

HON'BLE MR. JUSTICE R.K.BATTA, VICE-CHAIRMAN
HON'BLE MR. B.B.MISHRA, MEMBER (ADMN.)

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Shri Dinabandhu Das, aged about-49 years, son of Late-Harekrushna Das, of Doordarshan Colony, Bhubaneswar near Sainika School. At present working as Cameraman, Gr.III, Doordarshan Kendra, Bhubaneswar..

.....Applicant (IN O.A.NO.432/04)

Shri Ranjit Kumar Sethi, aged about-41 years, son of Late-Rama Chandra Sethi, At present working as Cameraman Gr.III, Doordarshan Kendra, Bhubaneswar Tala Telenga Bazar, Rahas Bihari Lane, Cuttack.

.....Applicant (IN O.A.NO.433/04)

Advocate(s) for the Applicants - Mr. N.N.Das.

VERSUS

1. Union of India represented by its Secretary, Information and Broadcasting Ministry, New Delhi.
2. Director General, S.I. Section, Doordarshan, Mandi House, Copeninical Marg, New Delhi.
3. Director, Doordarshan Kendra, Bhubaneswar.

.....Respondents.

Advocate(s) for the Respondents - Mr. S.B.Jena (A.S.C.)

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ORAL ORDER

HON'BLE MR. JUSTICE R.K.BATTA, VICE-CHAIRMAN:

The Applicants in these O.As. have same grievance based upon same facts and are seeking same relief and as such it is proposed to dispose of both the O.As. by common order.

2. The Applicants were promoted on adhoc basis to the post of Cameraman, Gr.III against a new post, pending finalization of Recruitment Rules for the post of Cameraman, Gr.III vide order dated 04.03.1995 with effect from 17.02.1995 pursuant to Order No. 1/95 dated 16.02.1995. By said order No. 1/95 dated 16.02.1995 (Annexure-2), the competent authority had approved the cases of 20 employees working in different Kendras for adhoc promotion to the said post. Subsequently, vide order dated 18.03.1998, Xavier Ekka (ST), Trilochan Singh and Surinder Kumar, who were working in Jalandhar Kendra were promoted on regular basis in temporary capacity against the said post of Cameraman, Gr.III with effect from 20.02.1995 and were placed on probation for two years. Likewise, Sukanta Kumar Sethi of Sambalpur Kendra was also appointed in substantive capacity with effect from 19.02.1997 on completion of the probation period. The grievance of the Applicants is that though the said persons of Jalandhar and Sambalpur Kendras have been substantively appointed against the vacancies of Cameraman, Gr.III, which they were holding on adhoc basis with effect from 20.02.1995 and 19.02.1997, the Applicant has been substantively appointed against said vacancy only with effect from 13.03.2001. The Applicants, therefore, claim that they should

also be substantively promoted against the said vacancy from the date they were promoted on adhoc basis and after completion of period of probation.

3. The Respondents, in their reply, have stated that adhoc appointment does not confer any right for regular appointment and this was specifically mentioned in the adhoc order of promotion. The Respondents also contend that the instances referred to by the Applicants are from different Kendras and each case of each Kendra has to be considered and dealt with separately depending upon number of posts and seniority list of Lighting Assistant maintained by the Kendras. The Respondents also state that the Applicants were given promotion with effect from 13.03.2001 and the adhoc period till regularization will be considered as and when Applicant submits his grievance before the authorities. The Respondents also contend that the Applicant is entitled to regularization as per Recruitment Rules notified by the Ministry of Information and Broadcasting vide No. 505/1/95-TV(A) dated 15.05.1995.

4. Heard Counsel for both the parties.

5. Ld. Counsel for the Applicant has urged before us that when adhoc appointment is followed by regularization, it has to be treated as regular appointment right from the beginning. The Applicant was promoted on adhoc basis pending finalization of Recruitment Rules. It appears that Recruitment Rules were finally notified by the Ministry of Information and Broadcasting on 15.05.1995. The Respondents have themselves stated in their reply that Applicant is entitled to be regularized as per said Recruitment Rules. The Respondents have further stated that the adhoc

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period till regularization will be considered as and when Applicant submits his grievance before the authority. Though, the Respondents have stated that the issue has to be examined Kendra wise, the seniority list of Lighting Assistant is to be maintained Kendra wise and the promotion from Lighting Assistant to Cameraman, Gr.III is to be done Kendrawise depending upon the number of vacant post according to the seniority list of Lighting Assistant of the Kendra, vacancy position has nowhere been disclosed by the Respondents, which is within their knowledge.

6. Be that as it may, and keeping in view the orders of regularization passed by the Respondents in respect of the persons from Jalandhar Kendra and Sambalpur Kendra, who were also promoted pursuant to the same order dated 16.02.1995, it is considered appropriate that directions be given to the Respondents to consider the case of the Applicants for regularization taking into account the adhoc period of service rendered by them in accordance with rules and regulations applicable in that behalf and in accordance with law on the subject and subject to the availability of regular vacancies. For this purpose, Review DPC be conducted within a period of 3 months from the date of receipt of the order. The Respondents shall report compliance of this order to the Tribunal within a period of 4 months and the matter be listed only for this purpose after 4 months.

7. The O.A. is disposed of in the light of the aforesaid directions with no order as to costs.


MEMBER (ADMN.)


VICE-CHAIRMAN