

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

CPC 69 of 2002
(OA 1242 of 1996)

Date of Order : 31-07-2003

Present : Hon'ble Mr. B.P. Singh, Administrative Member
Hon'ble Mr. N. Prusty, Judicial Member

Debabrata Roy

-VS-

S.Y. Quiraishi
(Doordarshan)

For the Applicant : Mr. S.K. Dutta, Counsel
Mr. T.K. Biswas, Counsel
For the Respondents: Mr. M.S. Banerjee, Counsel

ORDER

This CP(C) has been filed for non-compliance of the order dated 12-9-01 passed in OA 1242 of 1996. The operative portion of the findings of this Tribunal in paras 8,9 and 10 are reproduced as under :

"8. After hearing the Ld.Counsel for both sides and on a perusal of all the documents and records produced before us, we are of the opinion that the applicant was eligible to be considered for regular absorption as per provision of para 3 of the scheme dt. 17.3.94. We also find from the departmental file that this was considered by the authorities and it was calculated that he worked for 130 days and hence eligible as per the scheme and accordingly his case was recommended.

9. In view of the above, we are of the view that the applicant is eligible for regular absorption as Carpenter as per the scheme and recommendation of the sr. Administrative officer in this regard dt. 9.11.94 to the Director General, Doordarshan, New Delhi, ought to have been considered expeditiously and take decision in the matter of his regularisation.

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10. Accordingly, we dispose of this O.A. by directing the respondents, specially respondent No.2 i.e. Director General, Doordarshan, New Delhi, to consider the case of the applicant for regular absorption as Carpenter or in any other equivalent post on the basis of the recommendation of the Sr. Administrative Officer, on behalf of the Director, Doordarshan, Calcutta vide his letter dt. 9.11.94 (Annexure-A/7) as per the scheme dated 17.3.94 within three months from the date of communication of this order. There will be no order as to costs".
2. Shri S.K. Dutta, Sr. Ld. Counsel leading Mr. T.K. Biswas, Jr. Ld. Counsel appears on behalf of the applicant and Shri M.S. Banerjee, Ld. Counsel appears on behalf of the respondents. Reply has been filed on behalf of the alleged contemnors. The Ld. Counsel for the respondents submits that the order of the Tribunal dated 12-9-2001 has been fully complied with.
3. The Ld. Counsel for the applicant submits that it has been decided by the Tribunal that the applicant is eligible to be considered for regular [redacted] absorption as per proviso of para 3 of the Scheme dated 17.3.94 as Carpenter. But the alleged contemnors in their order dated 14-2-2001 have submitted that the applicant is not found eligible since he does not possess prescribed experience of three years. However, this issue has already been decided by the Tribunal in its order passed in O.A.1242 of 1996 dated 12-9-2001 that the applicant is eligible for consideration for regular [redacted] absorption as Carpenter as per proviso of para 3 of the Scheme dated 17-3-94. In that view of the matter the observation made by the authorities at para 3 of their order dated 14-2-2001 appears to be contradictory to the observation made by this Tribunal keeping in view the fact that the eligibility criteria has already been considered by this Tribunal after verification of relevant records and the Tribunal has categorically held that the applicant is eligible

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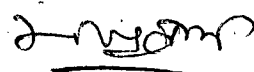
for regular absorption as per proviso of the said scheme. In considered opinion this issue could have been re-opened by the respondents (no.2) while considering recommendation of the Senior Administrative Officer in this regard for regular absorption of the applicant.

4. It has also been observed by us that in para two of the order dated 14-2-2001 (Annexure-C/2) the criteria laid down for Casual Artist regarding qualification and experience has been made applicable in this case of the applicant as Carpenter. We find that both are separate grades and therefore, the same qualification and experience cannot be applicable in the case of Casual Artist and Carpenter. This points requires to be considered by respondents referring to the provisions of Recruitment Rules.

5. In view of the above submissions and observations, we would like to direct the alleged contemnors particularly the respondent No. 2 to clarify the position and explain as to why contempt proceedings shall not be initiated against him for violation of the Tribunal's order. However, liberty is also given to the said respondent to modify the first order dated 14-2-2001 and pass necessary order keeping in view the above observations as well as observations made by the Tribunal in paras 8, 9 and 10. Matter stands adjourned to 20-11-2003 for orders.

6. A plain copy of this order be handed over to the Ld. Counsel for both the parties.


Member (J)


Member (A)