

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.242/2002

Thursday this the 13th day of June, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

PSathi Devi,  
Makeup Assistant (Casual)  
Doordarshan kendra,  
Thiruvananthapuram  
(residing at TC.4/1729  
Near Trivandrum Tennis Club,  
PO.Kowdiar,  
Thiruvananthapuram.)

...Applicant

(By Advocate Mr. P.Nandakumar)

V.

1. The Director General,  
Doordarshan Kendra,  
New Delhi.
2. The Director,  
Doordarshan Kendra,  
Thiruvananthapuram.
3. The Deputy Director,  
Doordarshan Kendra,  
Thiruvananthapuram.
4. Union of India, represented by  
Secretary, Minsitry of Information  
& Broadcasting, New Delhi.
5. P.G.Baiju,  
TC.2/1518, Goureeshapatnam,  
PO.Pattom Palace,  
Thiruvananthapuram.

...Respondents

(By Advocate Mr.S.K.Balachandran (R.1to4))

The application having been heard on 13.6.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant working as Make Up Assistant on casual basis under the second respondent claiming that

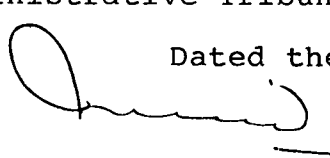
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she was first engaged in the year 1986 and is therefore, entitled to preference in regularisation over the 5th respondent has filed this application for a declaration that the order of the Tribunal in OAs 401/99 and 573/01 would not affect the preferential claim of the applicant to be appointed against an adhoc/regular vacancy including the leave vacancy occurring anywhere in India in preference to the rights of the 5th respondent and for setting aside Annexure.A9 order declaring that she is entitled to be considered for appointment in any vacancy including the leave or adhoc vacancy and for regularisation in preference to the 5th respondent.

2. We have perused the application and have heard Shri Nandakumar, learned counsel of the applicant and Shri S.K.Balachandran who appeared for the Respondents 1 to 4. From the impugned order Annexure.A9 it is evident that the official respondents have not entertained any representation of the 5th respondent favourably to neglect the preferential claim, if any, of the applicant. Therefore, the applicant does not have a cause of action now to invoke the jurisdiction of this Tribunal. If any of the service rights of the applicant is violated or infringed, it is upto her to seek appropriate relief in that regard.

3. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 13th day of June, 2002

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the letter dated 19.3.86 issued by the 2nd respondent.
2. A-2: True copy of the Circular dated 9.6.92 from the office of the 1st respondent in respect of scheme for regularisation of eligible casual Artists.
3. A-3: True copy of Office Memorandum dated 17.3.94 issued by the 1st respondent in modification of Annexure A-2.
4. A-4: True copy of the Order dated 13.8.2001 in OA 461/99 of Hon'ble CAT, Ernakulam.
5. A-5: True copy of the Order dated 23.8.2001 in OA 573/2001 of Hon'ble CAT, Ernakulam.
6. A-6: True copy of representation dated 26.12.2001 submitted by the applicant before the 1st respondent.
7. A-7: True copy of the representation dated 25.2.2002 submitted by the applicant before the 3rd respondent with English Version.
8. A-8: True copy of the reminder dated 11.3.2002 submitted by the applicant before the 2nd respondent with English Version.
9. A-9: True copy of Office Note dated 12.3.2002 issued by the 3rd respondent.

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14.6.02