

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

CIVIL CONTEMPT PETITION NO.43/1991

this the 20th day of February, 2001.

Hon'ble Mr. D.C. Verma, JM
Hon'ble Mr. A.K. Misra, AM

1. Umesh Misra, s/o Sri Virendra Misra, C/o (OAM 176/89 L), Wet Canteen, Command Hospital, C.C. Lucknow.

2. Dinesh Kumar Yadav s/o Sri Ram Mahesh Yadav C-1369/D, Indira Nagar, Lucknow (OAM 174/89)

3. Cheddi Lal s/o Sri Late Ram Avtar R/o Naya Shiv Mandir, Karethia Aishbagh, lucknow (OAM 175/89).

4. Adarsh Dwivedi s/o Sri Prakash Chandra Dwivedi, r/o E.2138, Indira Nagar, Lucknow (OAM 42/90 L)

5. Angad Lal s/o Sri Gajendra Lal Srivastava r/o Nishatganj, Lucknow OAM No. 54/90 L)

6. Jai Pal Singh, s/o Sri Nathu Ram (OA No. 301/90L) r/o 512/9, Nishatganj, Lucknow.

7. Ajit Kumar Chaturvedi, 108/160, Rambagh, Kanpur (OA No. 301/90 L)

....Applicants

By Advocate: Sri Y.S. Lohit.

Versus

1. Sri Shashi Kant Kapoor, Director General, Doordarshan, Mandi House, New Delhi.

2. Sri Vilayat Jafari, Director Doordarshan, Ashok Marg, Lucknow.

....Respondents

By Advocate: Sri A.K. Chaturvedi.

ORDER

A.K. MISRA, AM

The present CCP filed by the applicants to OA Nos. 174/89, 175/89, 176/89, 54/90, 42/90, 301/90 is against non- compliance of the order of this Tribunal dated 5.7.91.

2. Pleadings on record have been perused and learned counsel for the parties have been heard.

3. The brief facts of the case are that a number of Casual Artists of Doordarshan filed applications before this Tribunal for regularisation. All these OAs were decided by a common order dated 5.7.91 issuing certain directions for absorption of Casual Artists. While deciding the said OA, the Tribunal directed that in accordance with the Principles laid down in the case of Vasudev and others Vs. Union of India decided on 8.2.89 by the Principal Bench, the case of the applicants who had been working continuously and who were appointed against permanent posts shall be considered for regularisation without any formality of interview etc. and without applying afresh.

4. According to the respondents when the case of the applicants was decided by this Tribunal, another case of Anil Kumar Mathur and others Vs. D.G., Doordarshan and a bunch of similar cases which were pending before the Principal Bench of this Tribunal was decided on 14.2.92 by the Principal Bench. As per directions of the Principal Bench, a scheme was framed and notified on 9.6.92 by the name of "**Scheme for Regularisation of Casual Artists in Doordarshan**".

5. The present CCP has been filed by 7 applicants. The regularisation of all the 7 applicants to the present CCP was considered and out of the 7 applicants, applicants No. 1,2,3,4 and 6 have been regularised earlier. Applicant No. 5 namely, Angad Lal was not found eligible for regularisation on the post of Lighting Assistant because his age on 9th June, 1992 was 33 years and 8 months whereas according to the recruitment rules applicable prior to 1998, the upper age limit for appointment as Lighting



Assistant was only 30 years. The case of the applicant No.5 was also considered by giving age relaxation of 2 years as he had worked for more than 120 days but he was still found over age by one year 8 months. Hence, Angad Lal, applicant No. 5 could not be regularised.

6. It was however, noticed that the Hyderabad Bench of this Tribunal has also given full age relaxation to all the Causal Artists who have completed 120 days in a year upto 31.12.91 by order dated 20th Feb., 1993 passed in OA Nos. 690/93, 902/93, 722/93 and 773/93. Accordingly we are of the view that there would be no justification to deny the benefit of regularisation to Sri Angad Lal (Applicant No. 5) on the ground that he was overage by one year 8 months after giving him age relaxation of 2 years. We therefore, direct that applicant No. 5, namely, Angad Lal be regularised forthwith after giving him full age relaxation.

7. As regards Ajit Kumar Chaturvedi, applicant No. 7, he has not been regularised because he did not fulfil the minimum educational/professional qualifications prescribed for Lighting Assistants. Since he did not fulfil the necessary qualifications, it was not possible to regularise and appoint Sri Ajit Kumar Chaturvedi, applicant No. 7. We also hold that denying the benefit of regularisation to applicant No. 7 on the ground of non-fulfilment of the minimum educational/professional qualifications would not amount to contempt of the order passed on 5.7.91 by this bench of the Tribunal.

8. In view of the foregoing discussion, we are of the view that the directions given by this Tribunal in the case of Dinesh Kumar Yadav and Others

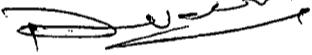


have been complied with and no contempt of the order dated 5.7.91 passed in the case of Dinesh Kumar Yadav and Others can be said to have been committed for the reason that the services of Sri Ajit Kumar Chaturvedi (Applicant No. 7) could not be regularised.

9. However, in the case of Angad Lal, Applicant No. 5, the respondents have failed to consider and provide appropriate relief in the light of circular dated 25.11.97 (Annexure SRA-1 to the Supplementary Rejoinder). In the circumstances of the case, we direct the respondents to provide benefit of regularisation of Sri Angad Lal, Applicant No. 5 (as per findings given above in para 6) and to issue consequential orders within a period of 2 months from the date of communication of this order.

10. In the light of the above ~~directions~~^{discussion}, we dismiss the CCP and discharge the notices.


MEMBER (A)


MEMBER (J)

LUCKNOW: DATED: 20th Feb 2001

HLS/-