

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 248/91

this the 6th day of July, 2000

Hon'ble Mr.D.C. Verma, JM

Hon'ble Mr. A.K. Misra, AM

Gautam Basu

....Applicant

By Advocate: None

Versus

Union of India

....Respondents

By Advocate: None

ORDER (ORAL)

D.C. VERMA, MEMBER (J)

The applicant of this O.A. has claimed regularisation on the post of Lighting Assistant in Doordarshan with all consequential benefits. The case was earlier heard by the Division Bench on the point whether this Tribunal has or has no jurisdiction to entertain this petition and grant the relief. In the similar cases, same point was raised in the light of the decision given by the Bangalore Bench of this Tribunal in the case of B. Ashoka Vs. Union of India reported in 1992(2) AISLJ, CAT page 60. Consequently, the Division Bench vide its order dated 14.1.99 referred two questions for decision of a large bench. The main point for decision was whether this Tribunal has no jurisdiction to entertain the O.A. claiming for regularisation under O.M. dated 9.6.92 on the subject of the scheme for regularisation of Casual Artists in Doordarshan as modified by O.M. dated 17.3.94. A full bench of this Tribunal has decided the issue vide its order dated 6.1.2000 in O.A. No.297/95 and held that this Tribunal has



jurisdiction to entertain petition of the persons claiming for regularisation under O.M. dated 9.6.92 as Casual Artists in Doordarshan.

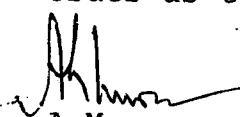
2. In the present case, the applicant has claimed that he was appointed as Casual Lighting Assistant in Doordarshan Kendra on the basis of an interview in which the applicant was declared successful. The applicant has filled up a contract form. The appointment order (Annexure 1) dated 26.8.99 was issued to the applicant. The post of Lighting Assistant was a regular post and post had been advertised by respondent No. 3 i.e. Doordarshan Kendra, Lucknow vide advertisement dated 3.7.1989 (Copy Annexure 3 to the O.A.). It is claimed that the applicant was selected and appointed on regular basis. Subsequently, a scheme on the subject of regularisation of Casual Artists was issued vide O.M. dated 9.6.92. For calculation of working days, a subsequent O.M. dated 17.3.94 was also issued. Those casual artists who are eligible as per scheme issued on 9.6.92, became eligible for regularisation under said scheme. The case of the applicant has to be examined as per his working days. The Prasar Bharti Broadcasting Corporation of India Act, 1990 has came into effect after notification dated 23.11.97. The Doordarshan has ceased to be a Department of Govt. of India and has come within the purview of Prasar Bharti Broadcasting Corporation of India Act, 1990.

3. The applicant of the present case claims for regularisation prior to 23.11.97 under the regularisation scheme notified under O.M. dated 9.6.92. Consequently it is for the Govt. of India to consider whether the applicant was or was not eligible within the said scheme at the relevant time.

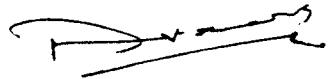


4. In view of the above, the O.A. is decided with the direction to the respondents to consider the claim of the applicant for regularisation as Lighting Assistant as per the regularisation scheme dated 9.6.92 after granting such relaxation as may be permissible under the law. The case of the applicant shall be examined by the respondents within a period of 3 months from the date of communication of this order. The decision thereof shall be communicated to the applicant by the respondents.

5. O.A. stands decided accordingly with no order as to costs.



A.M.



J.M.

Lucknow: Dated 6.7.2000

HLS/-