

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A. 390/92

Lucknow this the 20th day of March, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

Hon'ble Shri A.K. Misra, Member(A).

Anil Kumar Sharma,
S/o Shri V.N. Sharma,
C/o Shri Rakesh Tiwari,
R/o 57, Master Kanhaiya Lal Road,
Aishbagh, Lucknow. ... Applicant.

(By Advocate Shri A.K. Shukla)

Versus

1. Union of India through Secretary,
Ministry of Information & Broadcasting,
New Delhi.
2. Director General, Doordarshan,
Mandi House, New Delhi.
3. Director, Doordarshan, 24, Ashok Marg,
Lucknow. , , Respondents.

(None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

This application has been filed by the applicant on 11.8.1992 praying for regularisation of his services in the post of Lighting Assistant, without taking into account the age limit, with all consequential benefits. According to the applicant, he had been appointed as Casual Lighting Assistant in the office of Respondent 3 in 1983 on contract basis in which he has been continuing.

2. None has appeared for the respondents even on the second call. We have accordingly perused the pleadings and heard Shri A.K. Shukla, learned counsel for the applicant.

J.S.

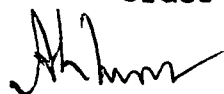
3. In the reply, the respondents have submitted that the applicant was engaged for 198 days in the year 1983 and 294 days in the year 1984, as per the revised Scheme dated 17.3.1994 after computation of working days. They have also submitted that as the Doordarshan is not an Industry, hence the provisions of the Industrial Disputes Act do not apply to the case. They have submitted that a Scheme has been prepared by the respondents as per the directions of the Tribunal (Principal Bench) which they have implemented, but ~~but~~ the applicant does not fulfil the terms and conditions laid down therein. Learned counsel for the applicant has, however, submitted that in terms of the Govt. of India Scheme prepared by the respondents dated 9.6.1992 as modified by the Scheme dated 17.3.1994, as the applicant has indeed worked as Casual Lighting Assistant for the requisite number of days, he would be entitled for regularisation in that post, subject to age relaxation. We further note that the applicant has filed MP 1440/2000 through another Advocate, who has recorded that counsel for the respondents was not available on 30.6.2000. However, this MP has been placed on record. In this Miscellaneous Petition, the applicant has given the number of days he has worked for different years in paragraph 8. He has also submitted that in 1996 during the pendency of this application, he had made a representation to the respondents by which he had requested them to inform him as to the basis on which his case for regularisation cannot be considered. It is not clear from the records as to what reply, if any, has been given by the respondents to the applicant in this matter.


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The applicant has also submitted that a number of persons junior to him have been given regular appointments to the posts of Lighting Assistant, ignoring his claim and their names have also been referred to in this Miscellaneous Petition. Learned counsel for the applicant has relied on the judgement of the Tribunal (Lucknow Bench) in OA 269/93 decided on 13.9.2000, copy placed on record.

4. Taking into account the above facts and circumstances of the case, the O.A. is disposed of with the following directions:

"In case the applicant makes a self contained representation along with the supporting documents to show his number of days working as Casual Lighting Assistant, within one month from the date of receipt of a copy of this order, the respondents shall consider the same in terms of the aforesaid Scheme prepared by them dated 9.6.1992 and 17.3.1994. The respondents shall pass a detailed, reasoned and speaking order within three months from the date of receipt of a copy of the representation, with intimation to the applicant. No order as to costs.


(A.K. Misra)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

'SRD'