

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO:197/99

Dated, this Thursday the 25th day of November 1999.

Shri U.D.Arekar Applicant.

Shri S.P.Saxena Advocate for the
Applicant.

VERSUS

Union of India & 2 Ors Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan Advocate for the
Respondents.

CORAM: HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

(i) To be referred to the Reporter or not? No

(ii) Whether it needs to be circulated to other Benches
of the Tribunal? No

(iii) Library? No

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO; 197/99.
DATED THE 25TH DAY OF NOV, 99.

CORAM:HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

U.D.Arekar,
Painter,
Doordarshan Kendra,
Worli, Bombay-400 025.
(r/o.11, B/154, Transit Camp
Siddharth Nagar, Road No.9,
Near BEST Colony,
Goregaon (W),
Bombay-400 104.
By Advocate Shri S.P.Saxena

... Applicant

v/s

1. The Union of India,
Through the Secretary,
Ministry of Information &
Broadcasting,
New Delhi.

2. The Director General,
Doordarshan Kendra,
Mandi House,
New Delhi-110 011.

3. The Director,
Doordarshan Kendra,
Worli,
Bombay - 400 025.

By Advocate Shri S.S.Karkera for
Shri P.M.Pradhan.

... Respondents.

(ORDER) (ORAL)

This is an application made by Shri U.D.Arekar seeking the relief, in substance, that respondents be directed to regularise him in any vacancy of Casual Artist either in Mumbai or in any other Doordarshan Kendra, if required against a supernumerary post. Consequential reliefs are also sought in the application.

2. The facts of the case as relevant are simple indeed. The applicant states that he is working as a Casual Artist in the

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Office of respondent No.3 as Casual Painter since 1979. His services were being utilised on and off and he is being paid on the basis of engagement and not in any scale of pay. The grievance of the applicant is that the respondents are not regularising him as Painter/ equivalent in terms of the scheme of regularisation for Casual erstwhile staff Artist even though he is fully eligible.

3. The applicant describes the background of the applications filed by several applicants and also gives details of the application filed by him in this Bench of the Tribunal which came to be disposed of by judgement dated 9/8/94 (Annexure A-4). The applicant also mentions that one Shri R.P.Yadav has already been regularised by transferring a vacancy of Bangalore Doordarshan Kendra to Mumbai.

4. Respondents have filed a reply statement in which it is denied that any injustice has been caused to the applicant or that any rights accrue to the applicant for regularisation as Casual Artist. While all this is said, it is also stated in this reply statement, that at present there is no vacant post available on which the applicant can be regularised. However, it is categorically stated that the applicant's case will be considered when the next vacancy arises in Group 'C' post since one regular incumbent is likely to retire on superannuation (from 30/6/2000). His case will be considered in accordance with the provisions of the scheme when a vacancy is available.

5. Learned counsel on both sides were heard. The arguments were fairly simple. Learned counsel for applicant agreed that

this case can be disposed of by taking note of the statement of the respondents. However, he brought out the fact that the question now remaining was not of consideration for regularisation because it has been admitted that the applicant has already been empanelled. This fact is also noted.

6. Learned counsel for respondents, *Amr*, while asserting that no rights had ~~been~~ accrued for the shifting of any other post from any other part of India, nevertheless fell in line with the averment in the written statement that the applicant will be considered for appointment when the next vacancy arise some 7/8 months later.

7. The facts are indeed simple and it is admitted that the case of the applicant would come up only when the vacancy arise. It is not for this Tribunal to decide as to how many posts should be available or created at any particular place. Nevertheless, the Tribunal notes the communication dated 29/9/94, a copy of which is available at Exhibit R-2. Through this letter, the Doordarshan Kendra, Mumbai has informed the applicant that his name "is kept on the approved panel for regularisation of Casual Artists against the post of Painter, Doordarshan Kendra, Mumbai." Also that he will be considered for regular appointment as Painter when a vacancy becomes available and the applicant is eligible.

8. Noting the above position, there is not much left for the Tribunal to decide. It is clear that the applicant would be given his due when the next post becomes available as has been categorically stated by respondents. There is no reason to doubt

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that justice will be done. This case is therefore disposed of by noting the above decision. Needless to say, in case of grievance, in case an action adverse to the above position is taken, liberty will be available for applicant to take recourse to remedies available in law. There will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

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