

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 24-6-87

APPLICATION NO 331 to 340/87(F) / ~~00~~()

W.P. NO _____

Applicant

K. Vasudeva & Others

Respondents

The Secretary, M/o. Information
& Broadcasting and another.

To

1. K. Vasudeva,
No.18, Kariyappa Building,
Maruthi Extension,
Palace Guttahally,
Bangalore-560 003.
2. A. Appaji Rao.
No.9, Nerasimhaiah Garden,
VII Cross, Malleswaram,
Bangalore-560 003.
3. Manjunath. R.L.
1868/3, 20th Main, 20th Cross,
M.C.Road, Vijayanagar,
Bangalore-560 040.

4. B.P.Parthasarathy,
C/o.Shri P.R.Anandamurthy,
26-A, Bangalore Dairy Colony,
Road, Bangalore-560 029. HoKur
5. B.G. Lakshminarayana,
No.101/1/, 13th Cross,
Wilson Garden, Bangalore-560 027.
6. Bhimesh Pawar, Door No. 72,
Ist Main Road, Chamrajapet,
Bangalore-560 018.
7. V. Prabhakara, No.935, III Main Road
Vijayanagar, Bangalore-560 040.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 19-06-1987.

Encl : as above

[Signature]
SECTION OFFICER
(JUDICIAL)

8. S. Victor Paranjothi,
No.23, IV Cross, S.K.Garden,
Benson Town Post,
Bangalore-560 046.

9. Y.N. Nerasimhaiah,
C/o. T.K. Veeranna, Door.No.57,
Ist Main Road, VIII Cross,
C.P.W.D. Quarters, Domlur Layout
Bangalore-560 071.

P.T.O

10. P. Subramani,
No.68/9. Dodiyal Layout,
Jogupalya , Ulsoor,
Bangalore-560 008.

14. Sri M.S. Padmarajaiah,
Sr. Central Govt. Standing Counsel
Bangalore-560 001.

11. Sri Ganapathy S. Hegde,
Advocate
No. 181, Kilara Road, Chickpet Post, Bangalore - 560 053

12. The Secretary,
Ministry of Information & Broadcasting
Shastri Bhavan, 6th floor,
New Delhi-110001

13. The Director,
Doordarshan Kendra,
Dr. Ambedkar Veedhi ,
Bangalore-560 001.

~~SECTION OFFICER.~~

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 19th DAY OF JUNE 1987

Present : Justice Sri K.S. Puttaswamy - Vice Chairman
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION Nos.331 to 340/87(F)

1. K.Vasudeva
No.18, Kariyappa Building
Maruthi Extension,
Palace Guttahalli
Bangalore 560 003
2. A.Appaji Rao
Door No.9, Narasimhaiah Garden
VII Cross, Malleswaram
Bangalore 560 003
3. Manjunath R.L.
Door No. 1868/3, 20th Main
20th Cross, M.C. Road
Vijayanagar
Bangalore 560 040
4. B.P. Parthasarathy
C/o Sri P.R. Anandamurthy
No.26 'A', Bangalore Dairy Colony
Hosur Road, Bangalore 560 029
5. B.G. Lakshminarayana
No.101/1/, 13th Cross,
Wilson Garden
Bangalore 560 027
6. Bhimesh Pawar
Door No. 72, 1st Main Road,
Chamarajapet, Bangalore 560 018
7. V.Prabhakara
No.935, III Main Road,
Vijayanagar
Bangalore 560 040
8. S.Victor Paranjothi
No.23, IV Cross, S.K. Garden
Benson Town Post
Bangalore 560 046
9. Y.N. Narasimhaiah
C/o T.K. Veeranna
Door No. 57, 1st Main Road,
VIII Cross, C.P.W.D. Quarters
Bangalore 560 071
10. P. Subramani,
S/o. Perumal, aged about
33 years, residing at No.68/9,
Dodiyal Layout, Jogupalaya,
Ulsoor, Bangalore-560008.
- Applicants

(Sri Ganapati S. Hegde, Advocate)

and

1. The Union of India represented by its
Secretary to Ministry of Information and
Broadcasting, Government of India,
New Delhi

2. Director
Doordarshan Kendra
Government of India
Dr. Ambedkar Veedhi
Bangalore 560 001

- Respondents

(Sri M.S.Padmarajaiah, Senior C.G.S.C.)

These applications came up for hearing
before this Tribunal and Justice Sri K.S.Puttaswamy,
Hon'ble Vice Chairman, to-day made the following

O R D E R

These are applications made by the applicants
under Section 19 of the Administrative Tribunals Act,
1985 ('Act').

2. In November 1983 a Television Station or
Doordarshan Kendra was established by Government of
India at the city of Bangalore. At that Station, now
and then or intermittently, the applicants were
appointed/engaged as Lighting Assistants ('LS') on
contract on payment of daily remuneration or daily
wages.

3. On 29.7.1986, Government of India inter alia
decided to abolish the posts of LS carrying the time
scale of Rs.330-480 (pre-revised) existing in the various
Doordarshan Kendras of the country and in their place
to create the posts of Helpers carrying the time scale
of Rs.210-270 (pre-revised) to perform the duties of the
former. In pursuance of this decision of Government,
conveyed by the Director General, Doordarshan, New Delhi ('DG')

the Director of Bangalore Station had taken steps to fill up the 10 posts of Helpers allocated to his Station. Apprehending that they would no longer be engaged as LS, the applicants, on 7.5.1987 have approached this Tribunal for a direction to the respondents to regularise their services as LS or as Assistants to Cameraman ('ACs') and not to fill up the posts of Helpers sanctioned to the Station.

4. The applicants claim that they are entitled to for regularisation of their services as they had served as casual workers from 1983 and therefore the posts of Helpers cannot be filled by the respondents.

5. In their reply, the respondents have asserted that the applicants engaged on and off had no right for regularisation and they cannot prevent the filling up of the newly created posts of Helpers at all.

6. Sri Ganapati S. Hegde, learned counsel for the applicants, contends that the applicants appointed on casual basis as casual LS or ACs from 1983 almost continuously were entitled to be regularised in that very capacity on regular pay and allowances attached to these posts of Government. In support of his contention, Shri Hegde strongly relies on the rulings of Supreme Court in AIR 1986 SC 584 *alternate AIR 1986 SC 76 SURENDRA SINGH & Another vs ENGINEER in CHIEF CLP.W.D.; AIR 1987 SCC 777 CATERING CLEANERS OF SOUTHERN RAILWAY vs UNION OF INDIA; AIR 1987 SC 1153 INDRAPAL YADAV vs UNION OF INDIA; 1986 ILR 2007 - AIR 1986 KAR A. AZIZ vs.M.D., K.S.R.T.C. ; 1986 Part I ILR 769 MUKUND vs K.S.R.T.C. and un-reported ruling of a*



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Division Bench of the High Court of Madras in W.A. No.500/81 decided on 10.10.1984 (A.Khaja Mohideen v. The Director Doordarshan Kendra, Madras and anr).

7. Sri M.S. Padmarajaiah, learned S.C.G.C., appearing for the respondents, refuting the contention of Sri Hegde contends that the applicants were not entitled for regularisation either as LS or ACs or prevent the recruitment to posts of Helpers at all.

8. At the TV Centre of Bangalore, now and then, the applicants had been appointed or engaged either as LS or AC under separate contracts between each of them and Government. Under the contract (Annexure B) the applicants were appointed or engaged for performing the specific job and for the specified period stipulated therein on the terms and conditions set out therein. Except for these, there are no regular appointment orders made and issued in favour of the applicants. If that is so, then it is difficult to uphold the claim of the applicants for regularisation either as LS or ACs and as regular Government servants.

9. Every one of the rulings relied on by Sri Hegde dealt with cases of equal pay for equal work and not cases of persons appointed on contracts for a specific job and period as in the present cases. We are of the view that the ratio in all the cases relied on by Sri Hegde and in particular of Dakshina Kannada Employees Union cases on which very great reliance was placed by him do not really bear on the point.

10. Prior to 29.7.1986, there were 42 posts of LS at the various TV Centres of the country. But on 29.7.1986, Government abolished those posts and created 150 posts of Helpers inter alia to perform the duties of LS also. While the posts of Helper carrying a time scale of Rs.210-370(pre-revised) are Group D posts, the post of LS carrying a time scale of Rs.330-480(pre-revised) with higher qualifications were decidedly high to Group D posts.



10. The applicants have not challenged the order of Government either abolishing the posts of LS or the creation of posts of Helpers. In the absence of a challenge to the order of Government, we must necessarily accept its validity and effect and decide the claims of the applicants on that basis only.

11. When the posts of LS or AC themselves stand abolished, the applicants who had never been appointed on ad hoc or regular basis at any time, cannot claim either for their continuance of those posts or for their regularisation. On this view also, the claim of the applicants for their regularisation is liable to be rejected. If the applicants' claim for regularisation cannot be upheld, then their claim not to make recruitment to the posts of Helpers cannot also be upheld.

12. We will assume that the applicants had challenged the order of Government and examine its validity also.

13. The Union Government in exercise of its executive powers has always the power to abolish any of the posts it had earlier created and restructure the posts in all its departments. In this view Government had the power to abolish the posts of LS and create the posts of Helpers. We cannot take exception to the same on any ground. If that is so, then we cannot uphold both the claims of the applicants.

14. On any view, the claims of the applicants either for their regularisation or for a direction not to fill up the posts of Helpers cannot be upheld and granted. We, therefore, dismiss these applications. But in the



circumstances of the cases, we direct the parties
to bear their own costs.



Sd/-
VICE CHAIRMAN

19/6/87

Sd/-
MEMBER (A)

-True copy-

bsg/-

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
24/6/87