

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD.

~~XXXXXXXXXXXXXX~~

O.A. No. 729/91.  
T.A. No.

198

DATE OF DECISION 19 -6-1992.

B. Maschendranath Petitioner

Sri A. Satyaprasad, Advocate for the Petitioner(s)

Versus

The Director, Doordarshan Kendra,  
Ramantapur, Hyderabad. Respondent

Sri Naram Bhaskar Rao, Addl. CGSC Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. BALASUBRAMANIAN, MEMBER (A)

The Hon'ble Mr. C.J. ROY, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: :HYDERABAD BENCH: :AT HYDERABAD.

O.A.No. 728 of 1991.

Date of Order: 11-6-92.

Between:

B. Maschendranath

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Applicant

Vs.

1. The Director, Doordarshan  
Kendra, Ramantapur, Hyd.

2. The Director General, Door-  
darshan, Mandi House,  
Koparnikas Margs, New Delhi.

3. The Union of India, rep. by  
its Secretary, Min. of Infor-  
mation & Broadcasting, New Delhi.

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Respondents

For the applicant : Sri A.Satyaprasad, Advocate.

For the respondents : Sri Naram Bhaskara Rao, Addl.  
Standing Counsel for Central  
Government.

CORAM:

HON'BLE SRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SRI C.J. ROY, MEMBER (JUDL.)

X JUDGMENT OF THE BENCH AS PER HON'BLE SRI C.J. ROY, MEMBER (J) X

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This application is filed under sec. 19 of the Administra-  
tive Tribunals Act, 1985 for a direction to regularise the ser-  
vices of the applicant as Production Assistant by extending the  
benefit of the Judgment of this Hon'ble Tribunal dt. 7-6-1991  
which rendered in O.A.No.425 of 1989 and batch to the applicant  
and for passing such other or further orders.

2. The facts of the case are that the applicant is a Post  
Graduate in Archealogy, completed B.Li.Sc. from Osmania University.

...2.

The applicant was interviewed by the respondents for the post of Production Assistant along with others. He was also selected as Casual Production Assistant in the Agriculture Section by the 1st respondent in his proceedings dt. 1-6-1985 bearing No.34/65/MVS/85. The applicant worked in several capacities till 1987.

3. The applicant averred that the 1st respondent started engaging others by not giving work to the applicant. The applicant stated that similarly situated persons have approached the Principal Bench of this Tribunal in O.A.No. 894 of 1990 and batch. In the said batch of applications, the Principal Bench directed the respondents in its judgment dt. 8-2-1991 to frame a scheme to absorb all the Casual Employees of the Doordarshan who have not been regularised so far, specially from 1980 onwards though they may not be in service now and who have been engaged for an aggregate period of 120 days by giving them age relaxation, if necessary. The applicant also averred that in the O.A.No.425 of 1989 and batch this Tribunal was pleased to order the same directions to the respondents on 7-6-1991 following the Judgment of the Principal Bench in O.A.No. 894 of 1990.

4. It is stated that the applicant was appointed as Casual Production Assistant and worked as such till 29-4-1987. He was similarly placed like the applicants in O.A.No.425 of 1989 and batch. His request to include his name in the panel as per the length of service has to be considered, consequent to relaxation along with the applicant in O.A.No.425 of 1989.

5. The respondents filed counter and opposed the application stating that the applicant is not working in the department since 23-3-1987 and now after more than 4 years in the month of July, 1990 he has moved the O.A. seeking relief for regularisation. It is stated that the relief sought is not within~~x~~ time. The respondents also opposed that the applicant was interviewed for engagement purely on assignment basis as and when required. No order of

appointment was issued. It is stated that for improving the quality of programme as per the Directorate's instructions, it is not necessary to engage the same candidate every time for the same work. Hence, number of representations made by the applicant is not correct. The respondents averred that since the applicant was engaged purely on casual basis for a short period of 10 days in a month as and when required, the question of regularisation does not arise. They also stated that ~~the statement of the applicant that he and that the applicant~~ in O.A.No.425 of 1989 are similar etc. is a matter of record and needs no reply. The respondents repeated more or less same allegations in subsequent paras and desire the application ~~is~~ be dismissed.

6. The applicant filed copy of the Judgment in O.A.No.425 of 1989 dt. 7-6-1991, letter dt. 1-6-1985 issued by Doordarshan Kendra, and also another letter dt. 23-4-1987 issued by Doordarshan Kendra, Hyderabad, as annexures.

7. We heard Sri V.Ajay Kumar, proxy counsel for Sri Satya Prasad, learned counsel for the applicant and Sri Naram Bhaskara Rao, learned counsel for respondents and perused the records carefully. We have also seen the Judgments in O.A.No. 949/91 dt. 25-3-1992 and in O.A.No.505 of 1991 dt. 29-5-1992. In O.A.No.949 of 1991, this Tribunal held on 25-3-1992 as under -

"the Judgment of the Principal Bench was not general and was applicable only to the applicants in that O.A. concerned". But, this Bench had already chosen to rely on the said Judgment of the Principal Bench and also gave directions to follow that Judgment in the case of the applicants in O.A.No.431/89. Under these circumstances, we rely on the earlier decision of this Bench in O.A.No.431/89

and direct the respondents to apply the Judgment of the Principal Bench in their OAs 894 of 90, 2322/90 and 1775/90, to the applicants in this O.A. also. The respondents are directed to implement the above directions within six months from the date of receipt of this order. ...."

Similarly in O.A.No.505 of 1991 also this Bench held -

"In the decision dt. 25-3-1992 in O.A.No.949/91 this Bench has relied on an earlier decision of this Bench itself in O.A.No.431/89 and directed the respondents therein to apply the Judgment of the Principal Bench in their OAs 894/90 and batch to the applicants therein. Hence, on the same lines, in this O.A. also, we direct the respondents to follow the decision of the Principal Bench in their OAs 894/90 and batch. The respondents are directed to implement this direction within a period of four months from the date of receipt of this order."

In the said Judgment also, this Bench followed the decision of the Principal Bench in O.A.No.894 of 1990 and batch.

8. We see, that the applicants in the above referred O.As., and also the applicant in this O.A. are similarly situate. But the applicant in this O.A. came to the Tribunal with delay. Since all similarly placed persons should get the benefit of a Judgment, we cannot deny the benefit altogether. However, keeping in view the delay in the applicants approaching us, we limit financial benefits taking effect <sup>only</sup> from a date one year prior to filing this O.A. i.e. with effect from 25-7-1990.

9. It is also stated before us by Sri Naram Bhaskara Rao, learned counsel for respondents that the scheme is prepared and placed before the Principal Bench and also on some points raised a modified version, another scheme was prepared and placed before the Principal Bench and that they are awaiting orders from the Principal Bench. Hence, we direct the respondents to apply

the Judgment of the Principal Bench in their O.As. 894 of 1990 and batch to the applicant herein also. Hence, on the same lines, in this O.A. also, we direct the respondents to follow the decision of the Principal Bench in their OAs 894 of 1990 and batch. The respondents are directed to implement this direction within a period of four months from the date of receipt of this order.

Subrahmanyam

( R. Balasubramanian )  
Member (A)

( C. J. Roy )  
Member (J)

Dated 19th June, 1992.

Deputy Registrar (J)

To

1. The Director, Doordarshan Kendra, Ramanthapur, Hyderabad.
2. The Director General, Doordarshan, Mandi House, Kopernicus Marg, New Delhi.
3. The Secretary, Union of India, Ministry of Information & Broadcasting, New Delhi.
4. One copy to Mr.A.satyaprasad, Advocate 5-9-22/1&, Adarshnagar, Hyderabad.
5. One copy to Mr.N. Bhaskar Rao, Addl.CGSC.CAT.Hyd.
6. Copy to Hon'ble Mr.C.J.Roy Member(J)CAT.Hyd.
7. One spare copy.

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