

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

O.A.No.729 of 1991.

Date of Order: 19th June 1992.

Between:

Kum. B.Bhagyalakshmi ..

Applicant

Vs.

1. The Director, Doordarshan Kendra, Ramantapur, Hyderabad.
2. The Director General, Doordarshan Mandi House, Koparnikas Marg, New Delhi.
3. The Union of India, rep. by its Secretary, Min. of Information & Broadcasting, New Delhi ..

Respondents

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For the applicant : Sri A. Satya Prasad, Advocate.

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

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 Administrative Tribunals Act, 1985 for a direction to the respondents to regularise the services of the applicant as General Assistant by extending the benefit of the Judgment of this Hon'ble Tribunal dt.

7-6-1991 rendered in O.A.No.447 of 1990 and batch to the applicant and for passing such other or further orders.

2. The applicant submits that she is a physically handicapped person and that in the year 1985 she was interviewed by the respondents to the post of General Assistant along with others. She was selected as such for the said post by the 1st respondent vide proceedings dt. 20-8-1985 bearing No.75/91/LTC/85/TVH



dt. 20.8.1985 and worked till Nov., 1986. The applicant averred that the 1st respondent started engaging others by not giving the work to her and therefore, she made several representations to regularise her services in the category of General Assistant on the ground that she had worked for more than two years. It is stated that all her efforts went in vain. The applicant stated that similarly situated persons had filed applications before the Principal Bench and of this Tribunal at New Delhi as well as this Bench and that the Principal Bench of this Tribunal was pleased to dispose of the OAs No.894 of 1990 and batch by its judgment dt. 8-2-91 with a direction 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 that who have been engaged for an aggregate period of 120 days by giving them age relaxation, if necessary. It is also averred that in O.A.No.447 of 1990 and batch, this Tribunal by its judgment dt. 7-6-1991 was pleased to order same directions to the respondents following the judgment of the Principal Bench referred above. The applicants states that the applicant in O.A.No.447 of 1990 and herself are similarly placed and that her name also should be included in the panel as per her length of service and consequentially for regularisation of her services along with the applicants in O.A.No.447 of 1990 and batch.

3. The respondents filed counter opposing the application. The respondents state that the applicant is not working in the department since 23-3-1987 and that relief sought is not within time and not maintainable. The respondents allege that the applicant was never interviewed for appointment against any regular vacancy and that she was selected for being engaged on

assignment basis as and when required. It is stated that she was neither appointed nor worked till November, 1986 continuously. The respondents stated that in order to improve the quality of the programmes produced and to have fresh talents, new panels are made from time to time as per Directorate's instructions. The respondents deny the allegation that she had number of representations for regularisation. It is further stated that the post of General Assistant is to be filled up as Clerk Gr.II for which the recruitments are made through Staff Selection Commission.

4. The respondents state that the scheme for the regularisation of casual artists as directed by the Principal Bench of this Tribunal in O.A.No.894 of 1990 is still under consideration of the Government and therefore, the fact whether the applicant is covered by that scheme or not can be said only after its finalisation of the scheme. It is stated that the applicant/never appointed, but was engaged purely on assignment basis as and when required. ^{thus} It is also contention of the respondents that the regularisation of applicant can be considered subject to fulfilling the eligibility conditions only when the scheme as mentioned in the foregoing para is approved by the Government. The respondent allege that the applicant is not entitled to get any relief and that the O.A. is not maintainable as the claim is barred by limitation.

5. The applicant filed a letter dt. 21-8-1985 issued by the respondents inviting the applicant to work as an artist on assignment basis as "General Assistant", copy of letter dt. 29-11-86 again to work as an artist on contract basis as Casual General Assistant as and when required, and copy of the Judgment dt. 7-6-1991 in O.A.No.447 of 1990 decided by this Tribunal.

7. We heard Sri K. Ajay Kumar, proxy counsel for Sri Satya Prasad, learned counsel for the applicant and Sri Naram Bhasker 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 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 O.A.No.894 of 1990, O.A.No.2322/90 and O.A.No.1775/90 to the applicant 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 of 1990 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 OAs and also in the present O.A. are similarly situate. But the applicant herein came to the Tribunal with delay. Since,

all similarly placed persons should get the benefit of a Judgment, we cannot deny the benefit to the applicant herein altogether. However, keeping in view the delay in the applicant's approach to this Tribunal, we limit financial benefits taking effect ^{only} 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 Bhaskar Rao, learned counsel for the 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 O.As 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.

R.Balasubramanian

(R.Balasubramanian)
Member (A)

Wesley
(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, Koparnicus Marg, New Delhi.
3. The Secretary, Union of India, Min. of Information & Broadcasting, New Delhi.
4. One copy to Mr.A.Satya Prasad, Advocate, 5-9-22/14, Adarshnagar, Hyderabad.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC.CAT.Hyd.
6. One copy to Hon'ble Mr.C.J.Roy, Member(J)CAT.Hyd.
7. One spare copy.

pvm.

Stamps
100/-

Recd
TYPED BY

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND ✓

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A) ✓

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY : MEMBER (J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER (J) ✓

Dated: 19-6-1992 ✓

ORDER/JUDGMENT

T.A. C.A./M.A. NO.

in

O.A. No.

729/91 ✓

T.A. No.

(W.P. No.)

Admitted and interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

