

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD.

XXXXXXDXXXXXX

O.A. No. 730/91.

198

TXXXXX

DATE OF DECISION 19/6 June 1992.

K. Bhaskar

Petitioner

Sri A. Satya Prasad,

Advocate for the Petitioner(s)

Versus

The Director, Doordarshan Kendra, Respondent
Ramnagar, Hyderabad & 2 others.

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?

MGIPRRND-12 CAT/36-3-12-86-15,000

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HRBS
M (A)

HRJR
M (J)

(24)

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

O.A.No.730/91.

Date of Decision: 19-6-'92..

Between:

K. Bhaskar

Applicant

Vs.

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

2. The Director General, Doordarshan,
Mandi House, Kopernikas Marg,
New Delhi.

3. The Union of India, rep. by its
Secretary, Min. of I & B, New Delhi. ..

Respondents

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

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

CORAM:

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

THE 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 Lighting Assistant by extending the benefit of the Judgment of this Tribunal dt. 7-6-1991 rendered in O.A.No.425 of 1989 and batch, and for for passing such other or further orders.

2. The facts of the case are that the applicant was interviewed by the respondents for the post of Lighting Assistant in the year 1985 along with others and was selected as such. He was initially

appointed as Casual Lighting Assistant in the Drama Section by proceedings dt. 2-1-1985 issued by the 1st respondent and had worked in several sections till the 1st respondent stopped to engage him after 23-3-1987. The applicant alleges that the 1st respondent started engaging others by/giving work to the applicant. The applicant made several representations to the respondents to regularise his services in the said category as he was regularly selected and worked for more than two years. It is alleged that all efforts went in vain. The applicant stated that similarly situated persons approached the Principal Bench of this Tribunal at Delhi as well as this Bench, and that the Principal Bench of this Tribunal in O.A.Nos.894 of 1990 and batch by orders dt. 8-2-1991 held issued a direction to the respondents 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 had been engaged for an aggregate period of 120 days by giving them age relaxation if necessary. It is also averred that this Tribunal also in O.A.No.425 of 1989 and batch by its Judgment dt. 7-6-1991 was pleased to order similar directions to the respondents following the Judgment of the Principal Bench referred to above. It is the case of the applicant that he is also similarly situated and claim his name also is liable to be included in the panel as per his length of services and consequently for regularisation of his services along with the applicants in O.A.No.425 of 1989 and batch.

3. The respondents filed counter opposing the application. It is the case of the respondents that the applicant was never interviewed for appointment against any regular post and that he was engaged on casual assignment basis on contract for a short spell for not more than 10 days in a month as and when required. The respondents also state that no order of appointment

was issued to him for regular appointment against regular vacancy. The respondents deny the averment that the applicant was engaged as Lighting Assistant. It is stated that no Lighting Assistant is engaged for any particular section as stated in the application. The respondents averred that from time to time the new talents are invited to improve the quality of programme as per the Directorate's instructions. It is also their contention that it is not necessary to engage the same candidate every time for the same work. The respondents state that no representations were received from the applicant for regularisation and therefore deny the said allegation. The respondents also state that the post of Lighting Assistant is now abolished and does not exist, the question of regularisation does not arise. The respondents contend that the applicant is not entitled to get any relief and therefore the question of granting any interim relief also does not arise. The respondents allege that the O.A. is not maintainable and that the claim is time-barred. The respondents desire that the application be dismissed.

4. The applicant filed copy of letter dt. 16-1-1985 bearing No.30/77/VKM/85 issued by 1st respondent engaging the applicant to work as Lighting Assistant on assignment basis for the period stated therein, and also another letter dt. 23-3-1987 issued to the applicant engaging him as Casual Lighting Assistant in Camera Section on assignment basis, and copy of the Judgment dt. 7-6-1991 passed in OLA No.425 of 1989 on the file of this Tribunal.

...4.

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,

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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)

asby
(C.J.Roy)
Member (J)

Dated 19th June, 1992.

821/92
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 5-9-22/14, 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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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

P.A./C.A./M.A. No.

in

O.A.No. 730/91

* 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.

