

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA No. 984/92.

Dt. of Order: 9-3-94.

J.Chandrasekhar

...Applicant

Vs.

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

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

...Respondents

Counsel for the Applicant : Shri Y.Suryanarayana

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

....2.

41
O.A.NO.984/92.

JUDGMENT

Dt: 9.3.94.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri Y.Suryanarayana, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. This OA was filed praying for a direction to the respondents 1 and 2 to regularise the services of the applicant in the category of Carpenter in terms of the scheme contained in OM No.2(3)/86-SI, dated 9.6.1992 and as per the judgment rendered in OA 390/92 on the file of this Bench on 10.6.1992 and for all consequential benefits.

3. The plea of the applicant that he was engaged as Carpenter on contract basis ever since 11.4.1986 in Doordarshan Kendra at Hyderabad and that he is eligible for regularisation as per the scheme dated 9.6.1992 in OM No.2(3)/86-SB is not challenged.

4. But it is contended for the respondents that the next vacancy had arisen as against the SC point and hence the case of the applicant for regularisation ~~skipped~~ could not be considered. The further plea of the respondents is that as the applicant is working in the State Institute of Education and Technology funded by the Central Government under National Council for Educational Research and Technology, the applicant cannot claim regularisation as per the scheme dated 9.6.1992.



contd....

.. 3 ..

5. We will take up the second point first.

Merely because the Institute is funded by the Central Government, it cannot be stated ~~as~~ ^{that it is} a State. No material is placed by the respondents to hold that the ~~and~~ State Institute of Education ~~and~~ Technology is a State coming within the Article 12 of the Constitution.

The scheme dated 9.6.1992 does not ~~exclude~~ ^{disentitl} an employee ~~to get~~ appointment, if he ~~who~~ is otherwise eligible for regularisation as per the said scheme, merely because he is engaged temporarily in some other establishment or a private establishment till his turn for regularisation arises. So, we feel that the second contention is not tenable.

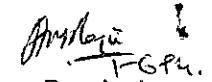
6. The roster which is produced discloses that the next vacancy is for SC candidate as per the roster. So, the case of the applicant for regularisation as per the scheme dated 9.6.1992 has to be considered as and when the turn for OC candidate's arises.

7. The OA is ordered accordingly. No costs.


(A.B.GORODI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 9th March, 1994.
Open court dictation.


Deputy Registrar (J) CC

To

1. The Director, Doordarshan Kendra, Ramantapur, Hyd.
2. The Director General, Doordarshan, Mandi House, New Delhi.
3. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
4. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

IN THE CAT. HYD. BENCH

The Hon'ble Mr. V.N.R.J - V.C.

4

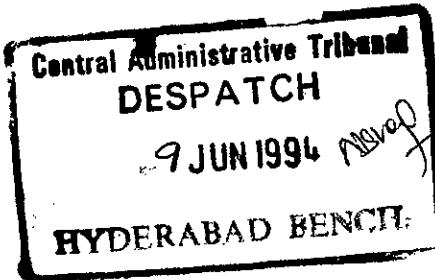
The Hon'ble A.B. Gaikwad - M(J)

Dated: - 9/3/94

Judgment

OA: 98u/92

Disposed of



Abrol
116 fm