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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 1116/92.

Dt. of Order: 11-11-93.

M.L.N.Sreenivas

Vs.

....Applicant

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

2. The Director General,
Doordarshan Kendra,
Mandi House, Copernicus Marg,
New Delhi - 110 001.

....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 (ADMN)

— — — —

....2.

[AS PER SHRI V. NEELADRI RAO, VICE-CHAIRMAN]

Judgement dated 11-11-93.

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

The applicant herein was engaged as a casual General Assistant on 27-6-1986 at Doordarshan, Hyderabad.

He was not engaged for 120 days in any calendar year.

The scheme dated 9-6-92 states that casual Assistant is not entitled for regularisation unless he works for 120 days in any of the calendar years.

This OA was filed praying for quashing condition No. 2 in the scheme dated 9-6-92 in regard to the completion of 120 days in a calendar year for being eligible for absorption as arbitrary, illegal and violative of article 14 of the Constitution of India and issued a consequential direction to the respondents to regularise the services of the applicant with effect from the date on which his juniors were regularised.

The scheme dated 9-6-92 was formulated in view of the directions given by C.A.T., Principal Bench in OA 563/86. As it was found that as a matter of policy, no Casual Assistant was ordinarily engaged for more than 10 days in a calendar month, it was suggested by the Principal Bench in its order dated 14-2-92 in OA 563/86 that a minimum period of 120 days in a calendar year can be fixed as eligibility criterion for the purpose of absorption. The same cannot be held as arbitrary. The said direction was given when Casual Assistant demanded absorption. The demand of the Casual Assistant will be justified if they work on all the days on which offer was made.

Hence in these circumstances, the Principal Bench felt that it is reasonable to fix the engagement for 120 days in a calendar year for

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being considered for absorption. When there is basis for fixation of the same, it cannot be held as arbitrary.

But the grievance of the applicant is that the work was not offered to him and it was offered to those who were ~~appointed~~^{engaged} later and as such, he cannot be deprived of the benefit of regularisation. But keeping ~~its in~~ fact in view that the applicant was not offered work and the freshers were engaged, then he could have moved the Tribunal praying for a direction to engage him ~~for~~ so long as his juniors are engaged. But having ~~kept~~^{quiet} for all these years, he cannot now urge that ~~he~~ was not offered work, his case should be considered even though he has not been engaged for 120 days in any ~~of~~ the calender year. Hence the OA has to be rejected on the above grounds.

In the result, the OA is dismissed with no costs.

AS
(A.B. GORTHY)
Member (Admn.)

Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

(Judgement as per Shri V. Neeladri Rao, Vice-Chairman)

Dated 11-11-93.

SV/193
Deputy Registrar (J)

To

1. The Director, Doordarshan Kendra, Ramanthapur, Hyderabad.
2. The Director General, Doordarshan Kendra, Mandi House, Copernicus Marg, New Delhi-1.
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.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 11-11-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.No.

in

O.A.No. 1116/92

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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