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

C.A.NO. 774/92

DATE OF JUDGMENT: 5.7.95

BETWEEN:

1. M.Thrimurthy Rao
2. K.Sham Sunder

.. Applicants

AND

1. The Director,
Doordarshan Kendra,
Ramanthapur, Hyderabad.
2. The Director General,
Doordarshan,
Mandi House,
Copernicus Marg,
New Delhi.
3. ~~The~~ Union of India, rep. by
its Secretary,
Ministry of Information & Broadcasting,
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI V.Ajay Kumar

COUNSEL FOR THE RESPONDENTS: SHRI NV Ramana,
~~SK~~/Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

O.A.NO.774/92.

JUDGMENT

Dt:5.7.95

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

Heard Shri V.Ajay Kumar, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The first applicant was born on 7.10.1957. He was engaged for the first time as Casual Artist in 1987 in Doordarshan and in that year he worked for 120 days.
3. The second applicant was born on 8.7.1953. He worked as Casual Artist in Doordarshan from 1981 till 1987 and in all those years, he worked for less than 120 days in each year.
4. When their services were not regularised, this OA was filed praying for declaration that the action of the respondents in declaring the applicants as over-aged is illegal, arbitrary and against the letter and spirit of the directions of this Tribunal and for further direction for regularising the services of the applicants in their respective categories with all consequential benefits.
5. The O.M.No.2(3)86-SI, dated 9.6.1992 was issued for regularisation of the services of the Artists

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engaged on casual basis in Doordarshan. It envisages inter-alia that for eligibility for consideration for regularisation, ~~the~~ Casual Artists who had worked atleast for 120 days in one of the years are eligible. It also states that weightage has to be given for each year in which they worked for atleast 120 days.

6. ~~The~~ ~~xxx~~ learned counsel for the applicant relied upon the judgment dated 24.12.1992 in W.A.No.477/92 on the file of A.P.High Court to urge that in justifiable circumstances, it is open to Courts/Tribunals to relax with regard to the maximum age limit. But in view of the litigation during the relevant period, it was held in the above judgment by the A.P.High Court that the period of litigation has to be excluded for consideration in regard to the maximum age limit.

7. It is not the case of the applicant No.1 that because of the litigation, he ~~should~~ could not be engaged. It is only the period of engagement on casual basis that is taken into consideration for giving weightage. Hence, there are no special circumstances for giving weightage of one more year in regard to the applicant. Hence^{sa} the claim of the first applicant for absorption as per the OM dated 9.6.1992 has to be negatived.

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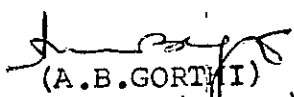
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8. The 2nd applicant had not worked for 120 days in any of the years. As such, he cannot be considered for absorption as per the OM dated 9.6.1992 referred to supra.

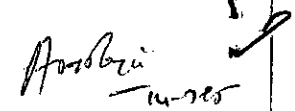
9. It is stated that ^{revised} ~~various~~ guidelines were issued as per No.2(3)86-SI, dated 17.3.1994. As the said guidelines were issued during the pendency of this OA, we feel it proper to give direction to the respondents to consider as to whether these applicants have to be regularised in pursuance of the revised guidelines. The decision in regard to the same has to be taken by the end of September, 1995. If the applicants are aggrieved by the order to be passed in regard to the same, ^{and if they wish to do so,} they are free to move this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

10. The OA is ordered accordingly. No costs.//


(A.B. GORTHI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 5th July, 1995.
Open court dictation.


Deputy Registrar (J)CC

To vsn

1. The Director, Doordarshan Kendra, Ramantapur, Hyderabad.
2. The Director General, Doordarshan, Mandi House, Copernicus Marg, New Delhi.
3. The Secretary, Ministry of Information and Broadcasting, Union of India, New Delhi.
4. One copy to Mr. Ajay Kumar, V. Advocate, CAT. Hyd.
5. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

A. B. Gouthi

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 5/7 1995.

ORDER/JUDGMENT:

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

in

OA.No.

774/92

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

No spare copy

Central Administrative Tribunal
DESPATCH
27 JUL 1995
HYDERABAD BENCH.