

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.1568 OF 1994.

Date of Order:21-4-1998.

Between:

G.Varalakshmi.

.. Applicant

a n u

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
and Broad Casting, New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Ajay Kumar

COUNSEL FOR THE RESPONDENTS:: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: ORDER :

ORAL ORDER (PER HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (A))

Heard Mr.V.Ajay Kumar for the Applicant and
Mr.V.Rajeshwara Rao for the Respondents.

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2. The learned Counsel for the Applicant, Mr. V. Ajay Kumar, had earlier argued elaborately on behalf of the applicant besides submitting a written note. The applicant was engaged as Casual General Assistant on 17-10-1986 and worked for more than 120 days in 1986 to 1987, and 1988 to 1989. A Scheme for regularisation of casual staff was introduced in Doordarshan as a result of a Judgment pronounced by the Principal Bench of this Tribunal in ANIL KUMAR MATHUR VS THE DIRECTOR GENERAL, DOORDARSHAN, NEW DELHI in OA.no.565/86 & Batch, dated 14-2-1992. The basic feature of the scheme was that a Casual General Assistant had to work for more than 120 days in any one calendar year to be eligible for consideration for regularisation of his/her services.

3. It is submitted on behalf of the applicant that the applicant was 33 years 11 months old on 9-6-1992. This was the date on which the scheme for regularisation of casual staff came into force. There is no dispute about this aspect. She was short of her 34th birthday by 21 days.

4. It was argued on behalf of the applicant that she would be entitled to one or more of the following concessions in regard to age restrictions for regularisation.

(a) The number of successive years during which she worked for more than 120 days should be converted into a series or combination of yearly relaxations from her real age. Since she has worked for more than 120 days in a single year during 1987 and 1988, she will be entitled to a relaxation of two years which would reduce her effective age to 31 years and 11 months.

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(b) In terms of the wages-and-days formula devised and prescribed by the Department for the purpose of the scheme, as she has worked for 120 days in 86-87 and 88-89, and if the number of days are divided by the wages (Rs.8/- per day) earned by her, she will earn a relaxation of 4 years. However, if 87 and 88 are in any case already given credit for relaxation (as stated above), she would then be entitled to a relaxation of only two years. Under this formula she will get relaxation of another 2 years which will make her effective age to be 24 years 17 months, viz., well within 30 years age prescribed for General Assistants.

5. One more argument of the applicant was that the pay scale of General Assist is Rs.330-560. This scale is available also to the following categories of staff in the Doordarshan; Film Librarian, Floor Assistant, Carpenter, Painter, Tailor, Film Projectionist, Film Processor. The minimum age in respect of above categories of staff is reported to be 30 years. On the same analogy, the post of a General Assistant, which carries the same scale of pay, should also be declared to be eligible for appointment upto the age of 30.

6. It was further submitted that certain casual General Assistants, even at the time of their initial engagement, were over aged. They should get relaxation to the extent of age which was in excess of the prescribed limit at the time of their initial engagement. Cases for such relaxation on this score should be referred to D.G.

7. Mr.V.Rajeshwara Rao mentions that the arguments of the applicant with regard to age concession are wholly fallacious

[Signature]

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and cannot be conceded. Even if all that has been claimed by the applicant in this regard is accepted, the applicant would still be over aged by atleast 5 years since the age limit for recruitment in Clerks Grade-II is 18 to 25 years as per the recruitment rules promulgated as long back as 1989. In this connection, the learned Additional Standing Counsel brought to my attention a Judgment delivered by Cuttack Bench of this Tribunal in O.A.No.71 of 1994 (MANOHARANJAN DAS VS UNION OF INDIA & OTHERS), wherein, it was held that the prescribed upper age limit for the post of General Assistant was 25 years^{and} not 35 years as claimed by the applicant.

8. I find no reasons to disagree with the said Judgment. Furthermore, I am convinced by the counter-affidavit filed by the respondents, and the arguments advanced by the learned Additional Standing Counsel, that the applicant is age-barred for any consideration to regularise her services. I do not find any merit in this O.A. The same is disallowed.

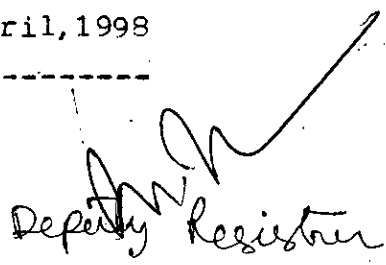
9. Thus the O.A. is disallowed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (A)

Dated: this the 21st day of April, 1998

Dictated in the Open Court

DSN


Deputy Registrar

O.A. 1568/94

To

1. The Director, Doordarshan Kendra,
Ramanthapur, Hyderabad.
2. The Director General,
Doordarshan, Mandi House,
Copernicus Marg, New Delhi.
3. The Secretary, Ministry of Information
New Delhi.
4. One copy to Mr. ~~XX~~ V. Ajaykumar, Advocate, CAT.Hyd.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.

pvm.

5/5/98
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 21-6-1998.

~~ORDER~~ JUDGMENT

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

in

O.A.No.

1568/94.

T.A.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.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

- 4 MAY 1998

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