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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

D.A.No.1492 OF 1996.

DATE OF ORDER:30-9-1998.

Between:

Syed Iftekhar Pasha alias
Syed Iftekhar Musharraf. .. Applicant

and

1. The Director General,
Doordarshan, Mandi House,
New Delhi.
2. The Station Director,
Doordarshan Kendra,
Ramanthapur, Hyderabad. .. Respondents

COUNSEL FOR THE APPLICANT :: Mr.P.Bhaskar

COUNSEL FOR THE RESPONDENTS: Mr.V.Rajeshwara Rao

CORAM:

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

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (OUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.P.Bhaskar, the learned Counsel for the
Applicant and Mr.V.Rajeshwara Rao, the learned Standing
Counsel for the Respondents.

2. The applicant in this OA was engaged as a Casual
Production Assistant in the year 1981 subsequent to
interview held on 7-8-1991 in the office of Respondent
No.2. He filed earlier OA.No.949 of 1991, which was
disposed of on 25-3-1992 following the Judgement in
OA.No.431 of 1989. It was directed in the Judgment
to apply the Judgement of the Principal Bench in
their OA.Nos.894 of 1990, 2322 of 1990 and 1775 of 1990
to the applicants in the OA.No.949 of 1991. As per

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that Order, the applicant's case was considered ~~but it~~
~~in itself~~ taken
was stated that no ~~casual~~ action was ~~taken~~. Hence he
filed OA.No.1238 of 1996, which was decided on 24-10-1996.
By that Respondent No.2 in that OA was directed to
dispose of the representation of the applicant which is
enclosed to that OA within 45 days from the date of
receipt of a copy of that Order. In pursuance of that
direction his representation was disposed of by Letter
No.21(35)/96-S/455, dated:22-11-1996. It is seen from
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the reply that his/for regularisation as Production
Assistant was considered as per the revised scheme dated:
17-3-1994. He was found to have worked for 120 days
in the years 1984, 1985, 1986, 1987, 1988, 1989 and 1991,
a total of seven years. Hence, seven years relaxation
in the upper age limit was admissible to the applicant.
As on the crucial date, his age was 37 years, 4 months,
21 days ~~even after~~ taking his Date of Birth as 12-1-1955.
The age limit prescribed for the post was 18 to 30 years.
Hence, he was not found eligible due to age bar as even
after giving relaxation of seven years, he was about
4 months, 21 days over age on the crucial date.

3. This OA is filed to regularise him as per Letter
No.2(3)/86-SI, dated:17-3-1994 issued by Respondent No.1
and for a consequential direction to regularise his
services as Production Assistant without resorting to
appointment of outside person to the cadre of Production
Assistant.

4. In the Docket Order dated:23-12-1996, it was
felt in regard to the appropriate crucial date for the
purpose of eligibility under the Scheme, it was contended
by the applicant that the said date would be 31-12-1991,

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Submitted

whereas the respondents said that the said date as 9-6-1992.

5. When this OA came up for hearing today, we were about to analyse the appropriate date. But the learned Counsel for the applicant submitted that he was working even from 1980 onwards and if that service is also counted then on both dates, he will be within the age limit. But it is not known whether the respondents had perused the document enclosed as Annexure.A.11 to the OA and decided his eligibility. The reply does not indicate any remarks in this connection. If the said document at Annexure.11 is taken into account, the case of the applicant may have to be ^{re-}considered. As the applicant himself is stating that he worked there-from 7-10-1980, it will not be necessary at this juncture to consider the appropriate date with reference to which his eligibility condition need to be considered. We are of the opinion that the respondents may check the authenticity of the letter enclosed as Annexure.A-11 and if the applicant had worked earlier also and that gives him the necessary added years of casual service to fulfill the age condition, the respondents should reconsider the issue accordingly. As there was no remark ^{in the reply} in regard to the submission of the applicant as having joined as a Casual Production Assistant from 7-10-1980 onwards, we feel it is preferable to refer it back to the respondent-authorities to re-check the ~~casual~~ services put in by the applicant from the records and decide the ^{total} casual service which can be taken for ~~regularization~~ ^{regularization} of the upper age limit.

6. In view of the above, Respondent No.2 is directed to verify the records and also the document enclosed as Annexure.A.11 by which the applicant submits that, he was

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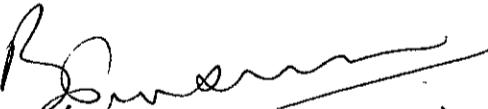
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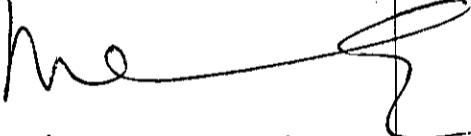
engaged as a Casual Production Assistant from 7-10-1980 onwards and determine the maximum relaxable age of ~~years~~ for deciding his age qualification.

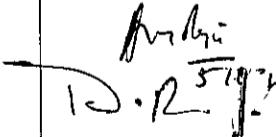
The applicant should be informed after checking the above details in regard to his eligibility or otherwise. It is preferable that the applicant is given a personal hearing and show him the records also available with the respondents so that the factual position can be verified by both the parties. The issue of deciding the crucial cut-off date is kept open in view of the above direction.

Time for compliance is three months from the date of receipt of a copy of this Order.

7. With the above directions, the OA is disposed of.
No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL)
30.9.98


(R.RANGARAJAN)
MEMBER (ADMN)


D.R. 5197

Dated: this the 30th day of September, 1998
Dictated to steno in the Open Court

BSN

DA. 1492/96

Copy to:-

1. The Director General, Doordarshan, Mandi House, New Delhi.
2. The Station Director, Doordarshan Kendra, Ramanthapur, Hyderabad.
3. One copy to Mr. P. Bhaskar, Advocate, CAT., Hyd.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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26/10/98
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II COURT

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S.DAI PARAMESHWAR:
M(J)

DATED: 30/9/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.:

in
G.A.NO. 1492/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

