

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1492 OF 1996.

DATE OF ORDER:30-9-1998.

Between:

Syed Iftekhhar Pasha alias  
Syed Iftekar Musharraaf.

.. Applicant

a n d

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)

A N D

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

: 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 CA.No.949 of 1991, which was  
disposed of on 25-3-1992 following the Judgement in  
CA.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 was stated that no <sup>initiate</sup> ~~casual~~ <sup>taken</sup> action was ~~there~~. 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 the reply that his <sup>case</sup> 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,

whereas the respondents <sup>submitted</sup> ~~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 <sup>re-</sup>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 <sup>cut-off</sup> 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, ~~then~~ the respondents should reconsider the issue accordingly. As there was no remark <sup>in the reply</sup> 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 <sup>casual</sup> services put in by the applicant from the records and decide the <sup>total</sup> casual service which can be taken for <sup>relaxation</sup> ~~regulari-~~ sation 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.40 <sup>11 Page 30.</sup> by which the applicant submits that, he was

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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.

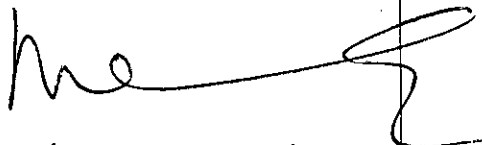
Time for compliance is three months from the date of receipt of a copy of this Order.

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

  
(B.S. JAI PARAMESHWAR)

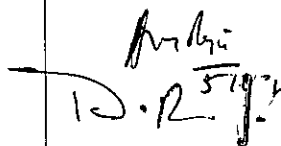
MEMBER (JUDL)

30.9.98



(R. RANGARAJAN)

MEMBER (ADMN)

  
D.R. 5/9/98

Dated: this the 30th day of September, 1998

Dictated to steno in the Open Court

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BSN

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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  
COMPILED 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. JAI PARAMESHWAR :  
M(J)

DATED: 30/9/98

ORDER/JUDGMENT

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

G.A. NO. 1492/98 in

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक आधिकारिक  
Central Administrative Tribunal  
वैद्य / DESPATCH  
- 9 OCT 1998  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH