

O.A.No.657/93

Dt. of order: 2.2.1995

Sunil Mathur

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.R.N.Mathur

: Counsel for applicant

Mr.S.S.Hasan

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.C.P.Sharma, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Sunil Mathur in this application under Sec. 19 of the Administrative Tribunals Act, 1985, has claimed the following reliefs:

- a) direction may be issued that the scheme of regularisation may be quashed and set aside which provides that only those employees shall be regularised who have rendered 120 days service in a year.
- b) direction may be issued that service of the applicant shall be regularised and he shall be treated as a permanent employee of the respondents.
- c) the respondents be directed to provide regular work of Floor Assistant to the applicant and the respondents may further be directed that the applicant shall be regularised against the vacancy which is existed in the Floor Unit after absorbing the selected candidates and the persons who are senior in comparison to the applicant.
- d) the respondents may be directed not to engage any fresh person in preference to the applicant while assigning work in the Floor Unit at Jaipur Kendra Deordarshan.
- e) the respondents should be directed not to regularised services of any employee in the unit in which he has not worked.
- f) the respondents may be directed to strictly adhere to the scheme of regularisation which are set on the fact that the casual Artist from one category shall be considered for regularisation only in that particular category.
- g) any other appropriate order or direction which the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case may kindly also be passed in favour of the applicant."

2. We have heard the learned counsel for the parties and have gone through the records of the case carefully.

3. The applicant's claim for regularisation is based on the ground that he has worked for 120 days at the Jaipur Kendra of

Casual Deordarshan and till date his services have not been regularised

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and the respondents have framed a policy of regularisation issued on 9.6.92 by which those persons who had been engaged on casual basis after 31.12.1991 were debarred from being considered for regularisation. The applicant has challenged the validity of the regularisation scheme referred to above. However, the respondents vide O.M.No.2(3)/86-S.I dated 17.3.1994 have formulated another scheme for regularisation of casual Artists in the Doordarshan. The learned counsel for the respondents during the course of arguments has stated that the case of the applicant for regularisation in the Doordarshan shall be considered in accordance with this scheme. The applicant was initially engaged on casual basis for performing the work of Floor Assistant/ in the Jaipur Doordarshan in the month of Dec. 1987. After his empanelment for the post of Floor Assistant a short training of 7 days was imparted to him^{and} thereafter he was given short term assignment several times. The learned counsel for the respondents has agreed that the applicant's case for regularisation shall be considered in terms of the scheme dated 17.3.1994, a copy of which has been submitted by the learned counsel for the respondents and the same has been placed on record.

4. In view of what has been stated above, we direct the respondents to consider the applicant's case for regularisation as an Artist in terms of the scheme dated 17.3.94, referred to above. In case the applicant^{is} found fit for regularisation, preference may be given for appointing him against a post relating to functioning on the Floor depending upon the availability of vacancy as per his seniority. This exercise shall be completed by the respondents within a period of 4 months from the date of the receipt of a copy of this order.

5. The O.A. is disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member(A).

C.Krishna
(Gopal Krishna)
Member(J).