

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.139/94

Date of order: 29.11.1995

B.K.Dass

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.Rajendra Soni

: Counsel for applicant

Mr.V.S.Gurjar

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative Member

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIPMAN.

Applicant B.K.Dass in this application under Sec.19 of the Administrative Tribunals Act, 1985, has claimed regularisation of his services, appointment/promotion to the post of Cameraman Gr.II from the year 1985 or at least w.e.f. 26.8.91 with all consequential benefits. He has also claimed the pay of the post of Cameraman Gr.II on the principle of equal pay for equal work.

2. We have heard the learned counsel for the parties and have carefully perused the record.

3. The applicant was appointed as Lighting Assistant on 16.8.1977 and posted at Doordarshan Kendra, Amritsar. His services in this post were regularised. He passed the Photographic Course in 1987. He appeared in the test on 2.12.84 for the post of Cameraman Gr.II and he was interviewed by the Members of the Interview Board on 4.12.84. He has challenged the constitution of the Board which had interviewed him on 4.12.84 by way of filing the present application on 18.3.94. He did not raise any finger against the constitution of the Board at the time of his interview nor did he make any protest in writing immediately after the interview was over. As per his averment he was informed by an order dated 14.12.93 that he has not been found fit to be included in the panel for

recruitment to the post of Cameraman Gr.II. The plea in regard to the constitution of the Interview Board is hit by the vice of acquiescence and laches. The mere fact that the applicant has been working continuously as a Cameraman for the last more than 4 years from 26.8.91 does not entitle him to regularisation in the post particularly in view of the fact that there is no pleading to the effect that any person junior to him and similarly situated has been regularised on the post of Cameraman or promoted to that post.

3. The only plea which survives for consideration is whether the applicant is entitled to the pay of the post of Cameraman Gr.II. It has been categorically stated by the respondents in their reply that as and when there was any necessity, the services of the applicant were utilised as Cameraman Gr.II. It is stated in the letter by the Director dated 21.10.93 (Annex.A4) addressed to Shri P.S.Ranga, Dy. Director(Adm), DG Doordarshan, Mandi House, New Delhi, that owing to acute shortage of Cameraman at the Jaipur Kendra, the services of the applicant are being utilised for the duties of Cameraman and he has acquired enormous knowledge about the working method of Cameraman. The Director of the Doordarshan Kendra at Jaipur also recommended the promotion of the applicant as Cameraman. It transpires from this communication and the averments of the respondents that the applicant has been working as a Cameraman Gr.II from time to time. In view of this fact we are of the opinion that the applicant is entitled to the pay of the post of Cameraman during the period he has worked as such. In the result, we direct the respondents to determine the period during which the applicant has worked as a Cameraman from the records and grant the minimum of the scale of pay of Cameraman Gr.II with allowances **CAMER** as admissible for the period during which he had actually

worked as Cameraman after deducting the payment already made to him in the post of Lighting Assistant. The respondents are directed to comply with the order within a period of 3 months from the date of the receipt of a copy of this order. The applicant may also be considered for regularisation/promotion/appointment as Cameraman, as may be due to him as per rules.

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


(O.P. Sharma)

Member (Adm.)


(Gopal Krishna)

Vice Chairman.