

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.1/99

Date of order: 31/7/2001

Padam Kumar Sharma, S/o Sh.Umadutt Sharma, R/o 1-AB,
D.K.Nagar, Khatipura, Jhotwara, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Mini. of Information & Broadcasting, New Delhi.
2. Director General, Doordarshan, Doordarshan Bhawan, Mandi House, New Delhi.
3. Director, Doordarshan Kendra, Jaipur.

...Respondents.

Mr.Amitabh Bhatnagar : Counsel for applicants

Mr.Vijay Singh, Proxy of Mr.Bhanwar Bagri, for respondents.

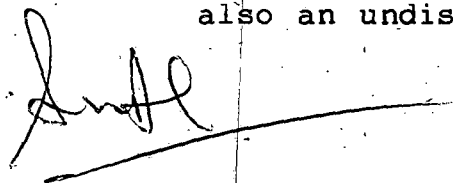
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to regularise the services of the applicant and allow him arrears of salary and other service benefits which are being given to other casual artists after regularisation.

2. Undisputedly, vide order dated 14.2.92 passed by Principal Bench of the Tribunal in O.A No.563/86, Anil Kumar Mathur Vs. Union of India & Ors, a scheme for regularisation of casual Artists was framed on 9.6.92 which was revised/modified on 17.3.94. It is also an undisputed fact that in compliance of the order dated 11.12.95 passed in O.A No.256/95 (R.A No.19/96 dated 28.11.96) Narendra Tiwari & Ors Vs. UOI & Ors, a new Scheme was framed on 13.5.97. It is also an undisputed fact that the case of the applicant was



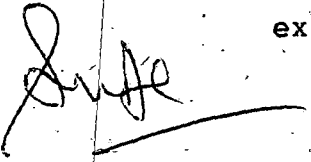
considered for regularisation in pursuance of the Scheme framed for this purpose and the applicant was not found eligible for regularisation being over age at the time of initial appointment.

3. The learned counsel for the applicant vehemently argued that applicant Sh. Padam Kumar Sharma was denied regularisation on the ground that he was overage on the date of his initially engagement as casual artist and as per clause 4 of Annx.A8, the case of the applicant should have been referred by respondent No.3 to respondent No.2 for relaxation of age limit. He has also argued that as per order dated 14.2.92, a separate scheme should have been framed for casual artists engaged after 31.12.91.

4. The learned counsel for the respondents has opposed the arguments of the learned counsel for the applicant and argued that the Scheme dated 9.6.92 framed in pursuance of the order of the Principal Bench of the Tribunal was later on modified vide order dated 17.3.94 and the Scheme framed in pursuance of the order passed in Narendra Tiwari & Ors Vs. UOI & Ors, by the Jabalpur Bench of the Tribunal is a complete Scheme in itself and the case of the applicant were considered in the light of those schemes for regularisation but the applicant was overage at the initial date of his appointment as casual artists/assistant, therefore he was not found fit for regularisation.

5. In the scheme dated 9.6.92 framed in pursuance of order passed by the Principal Bench of the Tribunal, it is provided in para 6 of the scheme that upper age limit cannot be relaxed, which reads as follows:

"6. The upper age limit would be relaxed to the extent of service rendered by the casual artists at



the time of regularisation. A minimum of 120 days service in the aggregate in one year, shall be treated as one year's service rendered for this purpose. The service render for less than 120 days in a year will not qualify for age relaxation."

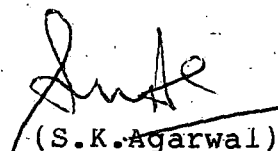
In para 4 of the revised scheme dated 17.3.94, it is provided that:

"4. It has also been noticed that certain staff artists were engaged initially when they were over age according to the recruitment Rules. All such cases, with the number of days they worked on casual basis according to the formula laid down in para No.3 should be referred to the Directorate for taking a decision on merit."

6. These provisions do not lay down anything for relaxation of age for those who are overage at the date of their initial appointment. According to these provisions, such cases are only required to refer to the Directorate for his approval.

7. As no regularisation can be permitted de-horse the rules and the applicant's case was considered and rejected as overage at the time of initial appointment, therefore, I do not find any irregularity/illegality in the action of the respondents as the Scheme framed for regularisation of casual artists and its revision/modification is a complete scheme covered all the aspects, therefore, I do not find any basis/ground to direct the respondents to frame another scheme so as to cover the case of the applicant.

8. Therefore, I do not find any merit in this O.A. therefore the same is dismissed with no order as to costs.


(S.K. Agarwal)
Member (J).