

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.11/99

Date of order: 31/7/2001

1. Ashok Kumar Sharma, S/o Sh.Onkar Mal Sharma, R/o Shilangi Bhawan, Chandpole Bazar, Jaipur.
2. Hanuman Sahai Jaiswal, S/o Kalyan Sahai Jaiswal, R/o Vill.Mohanpura, Bassi, Jaipur.
3. Sangram Singh, S/o Sh.Karan Singh, R/o E-159, Kataria Colony, Sodala, Jaipur.
4. Raj Kumar Verma, S/o Sh.Ram Sahai Verma, R/o 176 Galav Nagar, Jaipur.
5. Ram Sahai Maurya, S/o Sh.Badri Narain Maurya, R/o Jagatpura, Jaipur.
6. Kedar Prasad Sharma, S/o Sh.Ram Gopal Sharma, R/o Bassi Chak, Jaipur.
7. Shyam Sunder Sharma, S/o Sh.Jagdish Narain Sharma, R/o 959, Mishra Rajaji ka Rasta, Chandpole, Jaipur
8. Kamal Kumar Sharma, S/o Sh.Beni Prasad Sharma, 10/80 Malviya Nagar, Jaipur.
9. Rajendra Kumar Gupta, S/o Sh.Mool Chand Gupta, R/o 1/448, New Vidyadhar Nagar, Jaipur.

...Applicants

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.

Mr.Amitabh Bhatnagar : Counsel for applicants

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

CORAM:

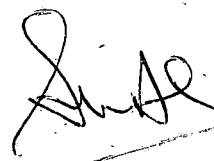
Hon'ble Mr.S.K.Agarwal, Judicial Member.

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicants make a prayer to direct the respondents to regularise the services of the applicants and allow the applicants with 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.536/86, 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 cases of the applicants were considered for regularisation in pursuance of the Scheme framed for this purpose and the applicants were not found eligible.

3. The learned counsel for the applicant vehemently argued that applicant Sh.Ashok Kumar Sharma, Kedar Prasad Sharma and Shyam Sunder Sharma were denied regularisation on the ground that they were overage on the date of their initial engagement as casual artist and as per clause 4 of Annx.A8, the cases of these applicants should have been referred by respondent No.3 to respondent No.2 for relaxation of age limit and rest were denied regularisation as they were not covered by the Scheme for regularisation. 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.



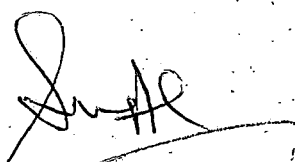
4. The learned counsel for the respondents has opposed the arguments of the learned counsel for the applicant and argued that the Scheme dated 9.6.92 framed in pursuance of the order of the Principal Bench of the Tribunal was later on modified vide order dated 17.3.94 and the Scheme framed in pursuance 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 cases of the applicants were considered in the light of those schemes for regularisation but some the applicants were overage at the initial date of their appointment as casual artists/assistant and rest of them were not covered by the Scheme, therefore they were 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."

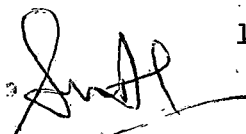
6. These provisions do not lay down anything for relaxation of age for those who are overage at the date of their initial appointment. According to these provisions, such cases are only required to refer to the Directorate for his approval.

7. The learned counsel for the respondents argued that there is a long que of the persons already declared eligible for regularisation as and when vacancy occurs but because of nonavailability of vacancies they could not be regularised and by adding more persons in this eligible list the right of new faces who are expecting the chance will be spoiled. He, therefore, argued that no direction should be given to the repondents to frame another scheme so as to cover the cases of the applicants.

8. I have given anxious consideration to the rival contentions of both the parties and also perused the whole record.

9. As the scheme framed by the respondents and modification made in the scheme thereafter is a complete scheme in itself covering all the aspects of those who are eligible according to the criteria laid don under the scheme are held as eligible for regularisation subject to availability of vacancy and those who are not coming in the criteria laid down for this purposes, their cases are rejected after consideration. After all laying down criteria for regularisation is a must and that criteria has already been fixed as per the scheme framed and in no way the criteria fixed is arbitrary or in contravention of rules.

10. As no regularisation can be permitted de-horse the



rules and the applicants cases were considered and rejected as some of them were overage at the time of initial appointment and rest of them were not covered by the Scheme framed for regularisation of casual artists/assistants, 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 cases of the applicants.

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



(S.K. Agarwal)

Member (J).