

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 21.11.2000

OA No.31/1995

Ghasi Lal Sharma s/o Shri Bhoopji Sharma, r/o House No. A-115,
Vijaynagar, Kartarpura, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Communication and Broadcasting, Government of India, Sanchar Bhawan, New Delhi.
2. The Director, Doordarshan, Jhalana Doongri, Jaipur.

.. Respondents

Mr.M.F.Baig, counsel for the applicant

Mr. U.D.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

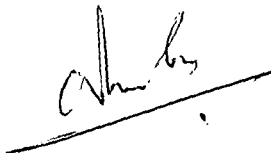
Hon'ble Mr. N.P.Nawani, Administrative Member

OrderPer Hon'ble Mr. N.P.Nawani, Administrative Member

In this amended Original Application, the applicant seeks quashing of the letter dated 26.9.1994 (Ann.A1) being illegal and invalid and further that the impugned retrenchment of the applicant be declared illegal and further that the respondents be directed to reinstate the applicant with all consequential benefits or in the alternative the respondents be directed to give benefit of Section 25-H of the Industrial Disputes Act, 1947 from the date on which the fresh hands, Shri Ramji Lal and Shri Shambhu Lal were engaged.

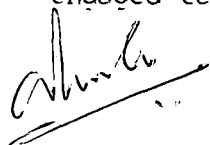
2. We have heard the learned counsel for the parties and perused all the material on record.

3. During the arguments, the learned counsel for the applicant,



Shri M.F.Baig, did not press the relief as stated in the relief clause but stated that the applicant is aggrieved by the letter dated 26.9.1994 (Ann.A1) to the extent that it does not order his regularisation prior to that of Shri Ramji Lal and Shambhu Lal and also that the respondents should have taken into consideration only the Scheme for regularisation of Casual Artists in Doordarshan notified vide OM dated 9.6.1992 (Ann.R1) (for short the Scheme) in issuing the said Ann. A1 and not the modified scheme notified vide OM dated 17.3.1994 (Ann.R4).

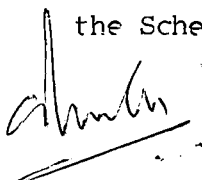
4. On perusal of letter dated 26.9.94 (Ann.A1) which is a reply to the representation received on 24.9.1994 and made in pursuance of directions dated 12.9.1994 of this Tribunal in OA No.129/91, it is noted that it informs that his case is under consideration for regularisation as Casual Artist under the Schemes of 1992 and 1994 and at the appropriate time action will be taken of the case of the applicant. We have also perused the Scheme as notified vide Anns. R1 and R4. We find that Ann.R4 dated 17.3.1994 is not a separate Scheme in itself, as alleged by the applicant, but it only clarifies the method of computation of clause 2 of the Scheme notified on 9.6.1992. In other words, there is only one Scheme and it is the one that has been notified on 9.6.92 (copy at Ann.R1). This being so, the claim of the applicant that the Scheme of 1994 should not have been applicable in his case is not sustainable. We also note from the Scheme that it is applicable to all those who were employed on casual basis on 31.12.1991 including those who were on the rolls of Doordarshan, though they may not be in service as on the date of commencement of the Scheme, will be eligible for consideration. The Scheme further stipulates that those who were engaged on casual basis after 31.12.1991 would not be eligible for consideration. It is thus clear that the applicant is eligible for being covered under the Scheme in view of the fact that he was engaged earlier to 31.12.1991 and this is also not being disputed



by the respondents. He must have also been engaged for an aggregate period of 120 days in a calendar year and that is why the respondents have informed the applicant vide Ann.A1 that his case is under consideration. The Scheme also stipulates that "they will be considered for regularisation in the order of their seniority against the available vacancies in that particular Kendra."

5. We find ourselves in agreement with the contentions of the respondents that although the applicant was only Carpenter available at Jaipur Kendra of Doordarshan in 1992 but could not be regularised due to non-availability of vacancies and on receipt of the clarificatory Notification of 17.3.1994, some other Casual Artists became eligible for inclusion of their names in the eligibility list and accordingly the name of the applicant found place at Sl.No. 8. With the regularisation of Shri Vijay Kumar in 1995 the name of the applicant went up at Sl.No.7. The respondents also denied the allegation of the applicant that he was senior to Vijay Kumar and Ramji Lal who were, in fact, seniormost in the eligibility list occupying positions at Sl.No.1 and 2. We, therefore, hold that since only the Casual Artists at Sl.No.1 and 2 had been regularised, the turn of the applicant is yet to come and, therefore, no injustice has been done to him. He is in the eligibility list for regularisation as per his date of engagement and is awaiting his turn.

6. The learned counsel for the applicant has cited the judgment dated 14.6.1996 of the Guwahati Bench of this Tribunal rendered in OA No. 128 of 1993 in support of his contentions. We are of the opinion that this case is distinguishable, since the main controversy in that case was regarding qualifying age and the question of computation of 120 days' service for eligibility under the Scheme. On the other hand, the respondents themselves have not

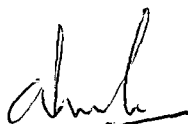


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disputed the eligibility of the applicant for regularisation as will be clear from Ann.A1.

7. In view of above, we dispose of this OA by directing the respondents to consider the applicant's case for regularisation in terms of the Scheme when his turn comes.

8. There will be no order as to costs.



(N.P.NAWANI)

Adm. Member



(B.S.RAIKOTE)

Vice Chairman