

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.155/98

Date of order: 31/7/2001

Lallu Ram Sharma, S/o Sh.J.N.Sharma, working as
Casual Artist in Jaipur Doordarshan Kendra.

...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 applicant

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

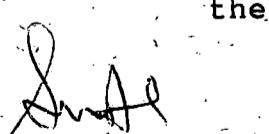
CORAM:

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 from the date his juniors have been regularised with arrears of salary and all consequential benefits.

2. Facts of the case as stated by the applicant are that he was initially appointed as Casual Artist from 22.4.90 to 1.5.90 for performing the work of Hindi Typing on a consolidated salary of Rs.500/-. Thereafter, respondent No.3 is continuously engaging the applicant and others for 10 days and the pay of the applicant was raised from Rs.500/- to 1000/- and thereafter Rs.1400/-. It is stated that the respondents have not regularised the services of the applicant so far. It is stated that aggrieved with the

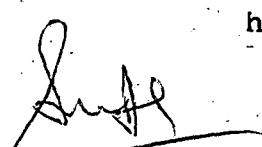


approach of the respondents, O.A No.563/86 was filed by Sh.Anil Kumar Mathur which was decided vide order dated 14.2.92 and in pursuance thereof the respondents framed a scheme dated 9.6.92 for regularisation of casual staff who were appointed before 31.12.91 which was amended on 17.3.94. It is stated that services of many casual artists who are junior to the applicant namely S/Shri Rajendra Prasad Saxena Sarla Agnani, Sumer Sharma and Rupendra Saxena, have been regularised ignoring the claim of the applicant. The services of Sh.Rupendra Saxena have been regularised by shifting him to news section but the services of the applicant have not been regularised so far. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply, it is stated that the case of the applicant has been reconsidered for regularisation in view of the revised scheme dated 17.3.94 and his name has been included in the eligibility list prepared for regularisation of casual artists in his turn, according to his seniority and subject to availability of vacancy in future. It is also stated that booking has been allowed to the candidates as per availability of work in the relevant field and the candidates have been regularised keeping in view the norms and criteria laid down in the scheme for regularisation.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The respondents have admitted in the reply that the case of the applicant has been reconsidered for regularisation, in view of revised scheme dated 17.3.94 and his name has been included in the eligibility list prepared

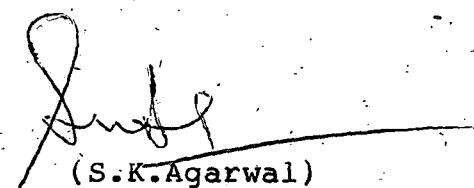


for regularisation of eligible casual Artists and his name will be considered for regularisation in his turn comes and according to his seniority and subject to the availability of vacancy in future. In the reply, the respondents have not denied specifically to the effect that juniors to the applicant S/Shri Rajendra Prasad Saxena, Sarla Agnani, Sumer Sharma and Rupendra Saxena, have been regularised ignoring the claim of the applicant and Shri Rupendra Saxena was regularised by shifting him Library Section to New Section.

6. It is settled law that the applicant is entitled to regularisation of his services from the date his juniors were regularised. In the instant case, the respondents have not denied this fact specifically that juniors to the applicant have been regularised ignoring the claim of the applicant. No explanation to this effect has been given under what circumstances juniors to the applicant have been regularised.

7. In view of above, The O.A is allowed and the respondents are directed to regularise the services of the applicant from the date when his juniors have been regularised with all consequential benefits. If no junior to the applicant has been regularised, then the applicant shall be regularised as and when his turn comes according to his seniority and subject to the availability of vacancy in future.

8. No order as to costs.



(S.K. Agarwal)

Member (J).