

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 61/2001
T.A. No.

199

DATE OF DECISION 29.11.2001

Rohit Bajaj and ors.

Petitioner

Mr. Rajendra Vaish

Advocate for the Petitioner (s)

Versus

Union of India and ors.

Respondent

Mr. Bhanwar Bagri and Mr. Prabhakar Advocate for the Respondent (s)

Singh

CORAM :

The Hon'ble Mr. A.P.NAGRATH, ADMINISTRATIVE MEMBER

The Hon'ble Mr.

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- 4. Whether it needs to be circulated to other Benches of the Tribunal ?


(A.P.NAGRATH)
Adm. Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 29.11.2001

OA No.61/2001

1. Rohit Bajaj s/o Shri Jetha Nand Bajaj, r/o 4 to 6, Jawahar Nagar, Jaipur
2. Mahendra Saxena s/o Shri J.F.Saxena c/o 51/156, Pratap Nagar, Sanganer.
3. Smt. Anjula Soni w/o Shri Vijay Soni, 2614, Moti Singh Bhomio Ka Rasta, Jchri Bazar, Jaipur
4. Madhu Pareek w/o Shri Ashok Pareek, 4781, Matka K-J-B Ka Rasta, Jchri Bazar.
5. Ramavtar Jhalani s/o Shri Birdhi Chand Jhalani r/o 65/J14, Pratap Nagar, Sanganer.
6. Kuldeep Singh s/o Shri Raghu Nath Singh, r/o Boraj House, Rishan Pole Bazar, Jaipur.
7. Ms. Purnima Sharma D/o Shri Nand Lal Sharma r/o E-21, Gokhle Marg, C-Scheme, Jaipur
All working as Casual Production Assistant at Doordarshan Kendra, Jaipur.

..Applicants

Versus

1. Union of India through the Secretary to the Government, Ministry of Information and Broadcasting, Government of India, New Delhi.
2. The Director General, Press Bharti, Bhartiya Prasaran Nigam, Doordarshan Kendra, Mandi House, New Delhi.
3. The Director, Doordarshan Kendra, Jhalana Doongari, Jaipur
4. Hajra Zeib w/o Shri Nasim Saib r/o 3978, Jagannath Shah ka Rasta, Ramganj Bazar, Jaipur.



.. Respondents

Mr. Rajendra Vaish, Counsel for the applicants

Mr. Bhanwar Bagri, counsel for the respondents 1 to 3

Mr. Prahlad Singh, counsel for respondent No.4

CORAM:

Hon'ble Mr. A.P. Misra, Administrative Member

ORDER

For Hon'ble Mr. A.P. Misra, Administrative Member

These seven applicants are empanelled as Casual Production Assistants in Doordarshan Kendra, Jaipur for the last more than 14 years. The Govt. of India, Ministry of Information and Broadcasting, Directorate General have formulated a scheme for regularisation of Casual Artists in Doordarshan vide Office Memorandum dated 9.6.1992 (Ann.A1). The guidelines for implementing the scheme were issued vide Office Memorandum dated 10.6.1992 (Ann.A2). The applicants seek directions to the respondents to regularise their services under the scheme formulated for regularisation. They have also challenged the order dated 12.1.2001 (All) by which respondent No.4, Smt. Hacre Zaib, was ordered to be considered for regularisation. The applicants seek declaring this order dated 12.1.2001 as null and void and to be quashed and set-aside.

2. Insofar as order dated 12.1.2001 and regularisation of respondent No.4 is concerned, the matter has been finally settled by an order of this Bench of the Tribunal dated 1.6.2001. The operative part of the order is reproduced as below:-

"8. We are of the view that considering the



: 3 :

applicant's initial date of engagement, she should be considered for regularisation in case any of those engaged after her as Casual Production Assistants have already been regularised. Her eligibility has already been accepted by the Director General's Office vide OM dated 12.1.2001 and no question can be raised about her eligibility for regularisation. In case some of the Casual Production Assistants, engaged after the applicant's initial engagement, have already been regularised, then the Department shall consider the applicant's regularisation forthwith. In case no juniors have been regularised then she should be considered as and when the next vacancy arises. No order as to costs."

3. In view of the settled legal position insofar as this Tribunal is concerned, this issue is no more open. What remains for consideration in the present OA is the prayer of the applicants for their own regularisation against vacancies.

4. The respondents, in their reply, have stated that presently there is only one regular vacancy of Production Assistant at Doordarshan Kendra, Jaipur for which action for regularisation is in progress. However, the learned counsel for the applicants submitted that on all Indian basis a large number of vacancies are available and the applicants are willing to be considered for their



regularisation in any of the Kendras. The learned counsel for the respondents opposed this plea of the applicants on the ground that the Scheme of 1962 provides only for regularisation of the Casual Artists in a particular Kendra and that Artists of other Kendras cannot be considered for regularisation against vacancies arising in a particular Kendra. I find that vide Anns.A4, A5 and A6 of the OA the respondents had themselves sought willingness of the applicants for working as Casual Artists and also indicated therein that their names were in the eligibility list prepared for their regularisation. They were also asked to give their willingness, if they were prepared to be considered for regularisation anywhere in India. The learned counsel for the applicants submits that this was indication enough that the applicants are eligible for being regularised against vacancies of other Doordarshan Kendras also. The learned counsel for the respondents submitted that nothing much should be read into these lines from the Senior Administrative Officer, Doordarshan Kendra, Jaipur as this was merely for compiling some information and this does not create any right in favour of the applicants. The learned counsel referred to para vi) of the 'Office Memorandum dated 10.6.1992 (Ann.A2) in support of his contention that the Casual Artists could be considered for regularisation only at a particular Kendra where they have been empanelled as Casual Artists.

5. I have perused the guidelines for implementation of the Scheme as contained in the Office Memorandum dated 10.6.1992. Para vi) of which reads as



under:-

"vi) In case a casual Artist who is being enlisted in the in the eligible panel for regularisation at a particular Kendra, it should be ensured that the number of days of his engagement at any other Kendra is not counted either for the seniority or eligibility. Only the number of days he worked at a particular Kendra where he is being considered for regularisation should be taken into account and his eligibility and seniority should be fixed on the basis of his first booking at that Kendra only and not at any other Kendra."

There is, of course, no doubt that the Casual Artist have a right to be considered for regularisation only by a particular Kendra where they have been working presently. There is only one vacancy at Jaipur. This would mean that it will take a number of years before all the applicants could hope to be regularised. In case, the applicants are willing to be considered for regularisation by other Kendras, it will require their first being empanelled as Casual Artists in those Kendras, but this condition has to be read alongwith guidelines number v) as reproduced below:-

"v) The regularisation of casual Artists in accordance with the scheme will be done only to the extent of existing vacancies and should not, in any case, exceed that number. After,

: 6 :

all the vacancies have been filled up by regularisation of casual Artists no fresh engagement of casual Artists should be done."

Obviously the intention of the Government was that this scheme came into force in 1992 and no Casual Artists were to be engaged after that. Now, if the vacancies are available in other Kendras, the only course open to the respondents, as per the same scheme, is to resort to recruitment from the market. As against this, considering Casual Artists who have been for long number of years in the services of the Department and who are eligible for regularisation in their own Kendra can certainly be considered for regularisation in other Kendras, where vacancies are available. Of course, for this purpose the Department has to call for options from all such Casual artists from all other Kendras and prepare eligibility list as per the guidelines relating to seniority and age relaxation laid down in the scheme for regularisation. While admittedly the applicants cannot claim such regularisation as a matter of right, keeping in mind the long years of service rendered by the applicant and similarly placed artists in other Doordarshan Kendras, it appears to be the only reasonable and just course of action to provide first opportunity of regularisation to such Casual Artists/Production Assistants already working in casual capacity.

6. In view of the discussions as aforesaid I consider it appropriate to direct respondent No.2, the Director General, Prasar Bharti that before resorting to

: 7 :

direct recruitment from open market to fill up the vacancies of Artist/Production Assistants etc. in various Doordarshan Kendras, first opportunity should be given to the Casual Artist/Production Assistants working in any of the Doordarshan Kendras in the country, in case they are willing to be considered for regularisation and posting anywhere. After having provided full opportunity to the working Casual Artists, if the vacancies still remain, the same can be filled up by the process of direct recruitment as envisaged in the scheme for regularisation. The respondents are directed to strictly abide by their own instructions contained in the Office Memorandum dated 10.6.1992 of not engaging any fresh Casual Artists atleast till regularisation of the existing Casual Artists have been fully considered.

7. The OA is disposed of with these directions with no order as to costs.

hys
(A.P.NAGRATH)

Adm. Member