

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

12

ORDERS OF THE TRIBUNAL

14.11.2011

OA No. 434/2010

Mr. Dinesh Sharma, Proxy counsel for
Mr. Parhlad Singh, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

On the request of the proxy counsel appearing on
behalf of the applicant, put up on 24.11.2011.

Anil Kumar

(Anil Kumar)
Member (A)

K. S. Rathore

(Justice K.S. Rathore)
Member (J)

ahq

[Signature]

24-11-2011

OA No. 434/2010

Mr. Prahlad Singh, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard. O.A. is disposed of by a
separate order on the separate sheets
for the reasons recorded therein.

Anil Kumar

[Anil Kumar]
Member (A)

K. S. Rathore

[Justice K. S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 24th day of November, 2011

Original Application No.434/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Smt. Hajra Ziaab
w/o Shri Nasim Zaib,
r/o C-525, Siddharth Nagar,
Sawai Gatore, Jawahar Circle,
Jaipur, at present working in the
Office of Director, Doordarshan Kendra,
Jhalana Doongari,
Jaipur

.. Applicant

(By Advocate: Shri Prahlad Singh)

Versus

1. The Union of India
through the Secretary to the Government,
Ministry of Information and Broadcasting,
Government of India,
New Delhi.
2. The Director General,
Doordarshan Kendra,
Mandi House,
New Delhi.
3. The Director,
Doordarshan Kendra,
Jhalan Doongari,
Jaipur

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

Brief facts of the case are that the applicant entered in the service of respondents on the post of Production Assistant/Duty Officer on casual basis in the year 1984. When the applicant was not assigned the job and a fresh panel was prepared wherein the applicant was not included, the applicant filed OA which was disposed of with the direction that case of the applicant should be considered afresh for regularization and she should be given equal treatment.

2. Despite of the direction, the applicant was not assigned any job for considerable long period. Thereafter Ministry of Information and Broadcasting, New Delhi issued direction on 10.5.1997 for empanelling the applicant as Casual Production Assistant as per the seniority assigned to the applicant in the seniority list of Casual Production Assistant and on 21.5.1997, respondent No.2 issued Office Memorandum by which the applicant was empanelled and also assigned seniority amongst eligible Casual Production Assistants as per date of her initial engagement, but services of the applicants were not regularized. Therefore, the applicant filed OA No. 572/1999

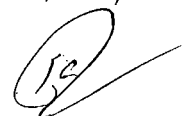


before this Tribunal. During the pendency of the aforesaid OA, the respondent No.2 stated that the applicant was eligible for regularization according to her seniority in the panel of eligible Production Assistants subject to availability of vacancy. Ultimately, the aforesaid OA was decided vide order dated 1.6.2001 giving direction for consideration of the case of the applicant for regularization, in case any of those engaged after the applicant as Casual Production Assistants have already been regularized.

3. It is also stated by the learned counsel appearing for the applicant that as many as 13 Casual Production Assistants whose date of initial engagement was later than the applicant have already been regularized, therefore, the applicant claims benefit of regularization at par with the juniors. Ultimately, vide order dated 17/21.8.2001, the applicant was regularized on the post of Production Assistant in the pay scale of Rs. 5000-8000.

4. After having regularized vide order dated 17/21.8.2001, the applicant submitted a representation before respondent No.3 for giving her pay scale of Rs. 6500-10500 as has been granted to junior persons.

5. As this OA is directed against the order dated 2.6.2010 (Ann.A/1), issued pursuant to the direction issued by this Bench of the Tribunal vide order dated 15.4.2010, by which



representation of the applicant dated 22.8.2007 has been considered and the same was rejected on the ground that CAT-Principal Bench, New Delhi vide its order dated 15.2.2009 in OA No.1462/2005 and 776/2007 and M.A.No.1508/2008 in respect of Shri Sanjay Kumar and Shri L.S.Rawat and others have been challenged before the High Court of Delhi and they have been given the said grade of Rs. 6500-10500, subject to outcome of the Writ Petition No. 2071/2009 and W.P. No. 8261/2009. The plea filed by Doordarshan in the said Writ Petition is on the ground that the OM dated 25.2.1999 was only applicable to Central Government Employees who were appointed on or before 25.2.1999.

6. In the impugned order dated 2.6.2010 it is also stated that request of the applicant cannot be acceded to and can be considered after final decision of the said Writ Petition No. 2071/2009 and 8261/2009.

7. The learned counsel for the applicant referred to several documents including All India Common Seniority List wherein name of the applicant find placed at Sl.No.606 and he has also able to demonstrate that person whose name find place at Sl.No.608 i.e. Shyam Rohera has been regularized vide order dated 21.1.2002 and has been given benefit of the pay scale.

8. The learned counsel for the applicant also referred the document filed alongwith rejoinder and submitted that even



in the year 2009, 3 persons were given benefit of pay scale vide order dated 30th April, 2009 (Ann.A/32) and further referred to order dated 14.6.2005 and order dated 15.7.2005 (Ann.A/28) and submitted that same benefit should be extended to the applicant after regularization of her service, may be subject to the final outcome of the decision, as has been extended to junior persons.

9. On the contrary, the learned counsel appearing for the respondents referred to para 4.4 of the reply stating that the respondents have filed Review Application before the CAT-Principal Bench, New Delhi in OA No. 1776/2008, Union of India and ors. vs L.S.Rawat and ors., which is still pending. It is further stated that the representation so filed by the applicant has been considered by the competent authority and speaking order has been passed and the claim of the applicant has rightly been rejected. The learned counsel has not been able to answer the question why other similarly situated persons and even junior than the applicant has been given benefit of the pay scale, may be subject to the decision and in the case of the applicant same benefit has not been extended ? As it reveals from the documents of the respondents that so many persons were given benefit of the pay scale pursuant to the order of the Principal Bench of this Tribunal subject to the decision of the Hon'ble High Court and now as per the



direction issued by the Hon'ble High Court of Delhi, the respondents were given liberty to file Review Application before the CAT-Principal Bench, New Delhi, which has been filed and is still pending.

10. Thus, we are of the considered view that benefit of pay scale should be extended to the applicant subject to final outcome of the Review Application pending before the CAT-Principal Bench, New Delhi, as has been granted to other similarly situated persons.

11. In view of the aforesaid discussions, we direct the respondents to provide benefit of pay scale of Rs. 6500-10500 to the applicant subject to outcome of the Review Application pending before the CAT-Principal Bench, New Delhi.

12. With these observations, the OA stands disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K.S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/