

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.05.2013

OA No. 393/2013

Mr. Manoj Pareek, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 393/2013

Jaipur, the 28th day of May, 2013

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Bhola Ram son of Shri Jagan Lal aged about 45 years, resident of Village Bane Ka Barkheda, District Dausa. Presently working with Director, Doordarshan Kendra Jaipur.

... Applicant

(By Advocate: Mr. Manoj Pareek)

Versus

1. Union of India through the Director General Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
2. The Director, Doordarshan Kendra, Jhalana Doongari, Jaipur.

... Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA claiming for the following reliefs:-

- "(a) That by an appropriate order or direction the letter dated 19.10.2012 passed by respondent no. 1 be quashed and set aside in respect of the applicant by which he has been refused for considering his case for regularization, at least he should be paid the salary in the minimum of the pay scale of the post.
- (b) any other relief which the Hon'ble Tribunal deems fit may also be granted to the humble applicant."

2. Earlier the applicant had agitated his grievances before the Central Industrial Tribunal. The matter has been finally decided by the Hon'ble Supreme Court vide order dated

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14.09.2011. The Hon'ble Supreme Court had disposed of the SLP with the following directions:-

- “(i) The respondents shall be deemed to have been re-employed by the petitioner with effect from the date of the order of the learned Single Judge i.e. 20.07.2005 and be paid wages with effect from that day.
- (ii) The petitioner shall implement the aforesaid directions within a period of three months from today.

However, it is made clear that this order shall not be treated as precedent for other cases.”

3. Letter dated 19.10.2012 (Annexure A/1), addressed to the applicant, from the office of the Doordarshan Kendra, New Delhi shows that the order of the Hon'ble Supreme Court has been complied with by the respondents. This fact has not been disputed by the learned counsel for the applicant. Since the applicant had raised his grievance before the Central Industrial Tribunal, therefore, he should approach before the appropriate forum for any dispute with regard to the wages.

4. In Para 5 (B) of grounds for the relief with the legal provisions of the OA, it has been stated by the applicant that the applicant is being paid daily wages only and thus exploitation is done by the Government Department itself and which comes in the definition of unfair labour practice. This Tribunal has no jurisdiction to decide on the cases which relates to the wages of the applicant on account of unfair labour practice. For the redressal of his grievance for unfair

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labour practice, the applicant should agitate before the appropriate forum.

5. The learned counsel for the applicant could not show any rule or Govt. order under which he is claiming that the applicant should be paid the salary in the minimum of the pay scale of the post. He has also not been able to show that against which substantive post, the applicant has been working with the respondent department. Therefore, in my considered view, the applicant is not entitled for any relief from this Tribunal with regard to the payment of his wages.

6. In the relief clause, the applicant has also requested for considering his case for regularization. Here also, the learned counsel for the applicant could not show any legal provision or administrative order of the respondent department under which he is claiming regularization. However, he admitted to the suggestion from the Bench that after the law laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others vs. Umadevi (3) and others**, 2006 SCC (L&S) 753, the regularization of the applicant is not permissible.

7. Thus looking from any angle, the applicant is not entitled for any relief from this Tribunal in the present OA.

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8. Consequently, the OA is dismissed for want of jurisdiction as well as on merit at admission stage itself.

Anil Kumar
(Anil Kumar)
Member (A)

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