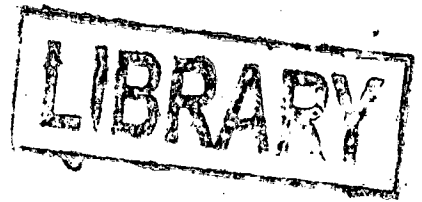


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00476/2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

BIMALENDU GUHA

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.Bhattacharjee, counsel
Ms.D.Sengupta, counsel
Mr.S.Majumder, counsel

For the respondents : Mr.S.K.Ghosh, counsel

Order on : 17.6.16

O R D E R

Ms.Bidisha Banerjee, J.M.

In the penchant to get regularised against the vacancies of Casual Artist in Doordarshan the applicant serving as Casual Graphic Artist in Doordarshan Kendra, Kolkata has preferred this OA seeking in interim protection to keep one post of Graphic Artist vacant in Doordarshan Kendra, Kolkata till the disposal of this application. He is aggrieved as his prayer for regularisation under the scheme of 1992 & 1994 of Doordarshan has been rejected on 7.3.16 vide Annexure A/23, on the ground that as per findings of the Screening Committee his regularisation could not be recommended due to his overage as on the date of initial booking as Casual Artist, despite fulfilling of 120 days in any calendar year prior to 31.12.1991.

2. Ld. Counsel for the applicant strenuously urged that the date of birth of the applicant is 23.12.1964. His initial booking was on 30.10.89 i.e. at an age of less than 25 years. In terms of Recruitment Rules for the post of Graphic Artist the age limit was 18-25 years for direct recruitment. Since he was not overaged at the time of initial booking and he fulfilled completion of 120 days in a calendar year in 1991 itself, at Prasar Bharti, a cut off date of 9.6.92 which

was meant for persons who were overaged at the time of initial booking, ought not to have applied to him to oust him from consideration.

3. Ld. Counsel further argued that as per scheme it was imperative for the authorities to consider regularisation of such Casual Artist in order of their seniority against available vacancies in "that particular Kendra" whereas the authorities were trying to fill up two available vacancies at Kolkata Kendra by drafting staff from Patna not on transfer but on their regularisation which was in violation of the scheme of 14.2.92.

Further Ld. Counsel argued that the applicant possessed requisite educational qualification and/or experience as the Recruitment Rules stipulated. Therefore there was no impediment in granting regularisation to the present applicant against a vacant post of Graphic Artist in Doordarshan Kendra, Kolkata.

4. Ld. Counsel for the respondents vehemently opposing the claim submitted that the applicant was overaged for being considered for regularisation in terms of the schemes of 1992 & 1994. However, he failed to substantiate his contention.

5. Since a prima facie case has been made out by the applicant, and since we have already passed an interim order on the earlier occasion that appointment to one post of Graphic Artist at Doordarshan Kendra, Kolkata, will abide by the result of this OA, the same is continued.

6. Respondents are directed to file reply within four weeks. Rejoinder, if any, be filed within two weeks thereafter. List on 19.8.2016 for admission hearing.

(JAYA DAS GUPTA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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