

CENTRAL ADMINISTRATIVE TRIBUNAL CHENNAI BENCH

O.A.No.1621/2018

Dated Monday, the 10th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

S.Raghupathy,
S/o.N.Subramani,
Old No.32/1, New No.40, 1st Floor,
Ragava Street, Choolai, Chennai 600 112. **...Applicant**

By Advocate M/s N.Umapathi

Vs.

1. Union of India,
through Secretary,
Ministry of Information & Broadcasting,
Rati Marg, New Delhi 110 001.

2. The Director,
Prasar Bharathi,
Doordarshan Kendra,
Chennai 600 005.

3. The Deputy Director General (E),
Prasar Bharathi, Doordarshan Kendra,
Chennai 600 005.

...Respondents

By Advocate Mr.J.Vasu

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To call for the records of the 3rd respondent made in proceedings No.9(3)2015-AII/CHE dated 06.06.2018 and quash the same and consequently direct the 3rd respondent to treat the 50% period of service rendered by the applicant as Painter on Casual basis towards Calculating the total Qualifying Service for determining his eligibility for pensionary and all other attendant, monetary benefits and pay him the said benefits within the stipulated time as that may be fixed by this Hon'ble Tribunal and thus render justice.”

2. It is submitted that the applicant is seeking counting of service rendered as Casual Labour for the purpose of calculation of terminal and pensionary benefits. He made Annexure A-15 representation dated 05.05.2018 in this regard which was rejected by Annexure A-16 impugned order dated 06.06.2018 on the ground that the applicant in letter dated 14.11.2012 had solemnly declared that he would not claim seniority or any other consequential benefits whatsoever from the date of his initial appointment and all the in-service benefits would accrue to him from the date of regular appointment only. The recommendation for his regularization by the Screening Committee was itself made based on such undertaking and, therefore, the question of counting of past services as Casual Labour would not arise.

3. Learned counsel for the applicant would cite the judicial precedents as at Annexure A-8 & A-9 and submit that the mere fact that the applicant had been made to sign such an undertaking would not estop him from seeking regularization and benefit of past service if the same had been granted to similarly placed persons.

4. Mr.J.Vasu, standing counsel takes notice on behalf of the respondents.
5. We have considered the matter. There is no evidence of the applicant drawing the attention of the competent authority to the judicial precedents in Annexure A-15 representation dated 05.05.2018. If the respondents were to act in accordance with the ratio of various judicial orders and in terms of the claim of the applicant to be similarly placed, the least that he was expected to do was to draw the attention of the competent authority to such judicial precedents. As this has not been done in this case, we are of the view that this OA could be disposed of with liberty to the applicant to make a comprehensive representation citing the relevant judicial precedents in similar cases on the basis of which he seeks a similar treatment, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the competent authority shall consider it in accordance with law and pass a reasoned and speaking order, within a period of three months thereafter.
6. OA is disposed of accordingly at the admission stage.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

10.12.2018

M.T.