

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH**

**OA.No.1365/2018**

**Dated Tuesday, the 26<sup>th</sup> day of March, 2019**

**PRESENT**

**Hon'ble Mr.R.Ramanujam, Administrative Member**

S.Ramachandran,  
S/o.Late Subramanian,  
No.2, Kattabomman Street,  
VOC Nagar, Pammal,  
Chennai 600 075.

...Applicant

By Advocate M/s.M.Ravi

Vs.

1.Union of India, rep., by  
The Director General Doordarshan,  
Prasar Bharathi, Doordarshan Bhavan,  
Copernicus Marg, New Delhi 110 001.

2.The Director, Doordharsan Kendra,  
Swami Sivandar Salai, Chennai 600 005.

3.The Deputy Director-General,  
Doordharsan Kendra, Swami Sivanda Salai,  
Chennai 600 005.

4.The Deputy Director (Administrator),  
Directorate General of Doordarshan,  
Doordharsan Bhavan, New Delhi

...Respondents

By Advocate Mr.M.Kishore Kumar

**ORDER**

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

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

“(i)To call for records relating to the orders in (1) No.19/5/2014S.II/356 dated 02.03.2016 of the 4<sup>th</sup> Respondent with the approval of the First Respondent and 92) No.1(8) 2008A1/Che.(Canteen) dated 07.08.2013 of the third respondent to the limited extent of designating the applicant as Casaul Labourer conferred with temporary status, instead of regular Group 'D' employee and to quash the same and to issue consequential directions to designate the applicant as a 'Group D' employee and to regularize his services as such with retrospective effect from 01.09.1993 and to grant all consequential benefits to the applicant within a limited time frame as deemed fit and pass such further or other orders as this Hon'ble Tribunal may deem fit and thus render justice.”

2. It is stated that the applicant was initially appointed as Casual Labour on 01.09.1993 in the erstwhile Doordarshan Kendra. He was conferred temporary status by an order of the second respondent dated 12.01.1999 w.e.f the date of initial engagement. However, the applicant had not been considered for regularization ever since.

3. The first respondent issued an order dated 06.08.2013 regarding regularization of such persons as the applicant against available vacancy in the erstwhile Group D post at the Chennai

Kendra. However, by an order dated 07.08.2013, consequent upon his attainment of the age of superannuation the services of the applicant were dispensed with w.e.f 30.06.2013 AN.

4. It is contended by the applicant that after the receipt of the approval for regularization conveyed on 06.08.2013 three other persons who had joined along with the applicant had benefited from the order of regularization. Accordingly, the applicant could not be discriminated against.

5. The applicant in the above circumstances filed OA 12/2014 seeking to quash the order dated 07.08.2013 to the limited extent of designating the applicant as Casual Labour conferred with temporary status instead of as regular Group D employee and to confer him the status of regular Group D with retrospective effect from 01.09.1993 and grant all consequential benefits. The Tribunal by an order dated 23.09.2015 directed the respondents to consider the case of the applicant for regularization of his services as Group D and pass an appropriate order in accordance with law within a period of two months from the date of receipt of a copy of the order. The impugned order dated 02.03.2016 came to be passed in compliance thereof which is sought to be challenged in this OA.

6. Learned standing counsel for the respondents submits that the

applicant was overaged by 11 years, 2 months and 3 days and, therefore, his request for regularization was not acceded to.

7. On perusal, it is seen that the applicant had filed OA 12/2014 which had been disposed of by this Tribunal by an order dated 23.09.2015. The claim of the applicant to be regularized w.e.f 01.09.2013 had already been considered in the said OA in the light of the judicial precedents cited therein and it was held as follows:

“In the light of the above facts and circumstances of the case and by following the principles law enunciated by the Hon'ble Apex Court, the applicant is entitled to be considered for regularization in Group D post. Consequently, there will be a direction to the respondents to consider the case of the applicant for regularization of his services as Group D and pass an appropriate order in accordance with law within a period of two months from the date of receipt of a copy of this order. The OA is disposed of as above. No order as to costs.”

8. If the applicant had any grievance regarding violation of the direction of this Tribunal in passing the impugned order dated 02.03.2016, he ought to have exercised an appropriate legal remedy within a reasonable time thereof. However, the applicant claims that he made further representations on 07.09.2016 and 07.06.2017 on the same subject neither of which is accompanied by any acknowledgement such as postal receipt, etc. Learned counsel for the respondents denies having received any such

representation in the absence of documentary evidence thereof.

9. In the above circumstances, I am of the view that it is not possible for this Tribunal to go into the same issue all over again in a fresh OA when it had already been considered by this Tribunal in OA 12/2013 on the same grounds as agitated in this OA. The OA is barred by the principles of res judicata. OA is accordingly dismissed. No costs.

**(R.RAMANUJAM)**  
**MEMBER (A)**  
**26.03.2019**

M.T.