

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 1525 of 2019
M.A. 894 of 2019

Date of order: 28.11.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Ruhit Tapader,
Son of Late Kartik Chandra Tapader,
Aged about 45 years,
Residing at 1/14, Netaji Nagar,
P.O. – Regent Estate,
Kolkata – 700092.
2. Manas Dey,
Son of Late B.C. Dey,
1/59A, Ashokanager, Tollygunge,
Calcutta – 700040.
3. Shambhu Nath Chakraborty,
Son of Trina Chakraborty,
2/1 A, Vidyasagar Upanibash,
Post Office – Bagha Jatia,
Calcutta – 700086.
4. Ashis Das,
Son of Late Bhenindra Nath Shri Haricharan Das,
Gorfa Main Road, Saful Para,
Calcutta – 700078.
5. Sisir Kumar Saha,
Son of Late Nagendra Krishna Saha,
62, Regent Colony,
Calcutta – 700040.
6. Narayan Ch Sen,
Son of Ganesh Chandra Sen,
28, Deshopran Sashmol Road,
Calcutta – 700033.
7. Ajoy Kumar Bose,
Son of Shri Arun Bose,
5/5 Bijoy Garh,
Calcutta – 700092.
8. Gora Chand Das,
Son of Shri Gonga Chandra Das,
Post Office & Village Subhes Gram,
South 24 Parganas.
9. Ashutosh Chakraborty,
Son of Late Jitendra Chakraborty,
D/23, Congress Nagar Colony,

hsl

P.O. Basdroni,
Calcutta - 700070.

10. Manik Lal Daskhaskel,
Son of Late Sudhirkrl Daskhal,
Of 22/1 D.H. Road,
Calcutta - 700053.
11. Raja Bahadur,
Son of Ram Chandra Bahadur,
14, Barada Sarani
P.O. Haridevpur,
Calcutta - 700082.
12. Santu Kumar Das,
Son of Laksmi Charan Das,
Village - Machinan,
Post Office - Gopalganj,
Police Station - Kolaghat,
District - Purba Medinipur,
Pin - 721130.
13. Prabir Seal,
Son of Late Narandra Nath Seal,
111/B, Rakhal Das Road,
Calcutta - 700033.
14. Manik Lal Das,
Son of Shri Ananta Kumar Das,
7/63 Netaji Nagar,
Calcutta - 700092.
15. Manas Adhikari,
Son of Late Dilip Kr. Adhikari,
39, Gobinda Banerjee Lane
Calcutta - 700033.
16. Rupan Biswas
Son of Late Phonindra Nath Biswas,
78, Regent Place,
Post office Regent Park,
Calcutta - 700040.
17. Sunil Kumar Rakshit,
Son of Late Shyama Chandra Rakshit
177/6, B.L. Saha Rd.
Calcutta - 700053.
18. Palan Kr Haldar
Son of Shri Gopal Chandra Halder
91, Tollygunj Rail Colony,
Calcutta - 700033.
19. Partha Das,
Son of Shri Gopal Das,
21/1, Pitambar Ghatak Lane,



h/h

Calcutta - 700027.

20. Parimal Roy,
Son of Late N.B. Roy
722 232, Sodpur First Lane,
P.O. Haridevpur,
Calcutta - 700082.
21. Swapna Saha,
Son of Late Shri Monindra Lal Saha,
Narua Panchanantala,
Post Office - Chandannagar,
Pin - 712138.
22. Jagannath Ganguly,
Son of Shri Jyotilal Ganguly,
Post Office Kanchrapara,
Village - Barajonepur,
North 24 Parganas.
23. Govinda Munsi,
Son of Shri Kolika Munsi
15, Vivekananda Park,
Calcutta - 700070.
24. Shib Nath Mitra
Son of Shri K.C. Mitra
90/7, Dakshin Para,
Post Office - Dum Dum,
Calcutta - 700028.
25. Debdas Roy,
Son of Shri Prafulla Roy,
25A, Subas Pally, Regent Estate,
Calcutta - 700092.
26. Jhantu Das,
Son of Shri Satis Das,
8/13, Ne Moors Avenue
Calcutta - 700040.
27. Arup Adhikary,
Son of Late Indu Adhikary,
46, Moore Avenue,
Calcutta - 700040.
28. Jhantu Seal,
Son of Late Bhusen Seal,
Of 12/C/C, Dharmatala Road,
Bose Pulero (Kasba)
Calcutta - 700040.
29. Panchanan Mondal,
Son of Late Duranta Mondal,
Of Village and P.O. - Kalikapur,
P.S. - Sonarpur,

hah

Kolkata - 700150.

30. Juthika Bhattacharya,
Residing at 49, Gopal Chatterjee Road,
Suk Char,
Kolkata - 700115.
31. Sailabala Nayak,
Son of Late Magu Mallick,
Of 135/B/1 Sara Road,
Kolkata - 700053.

..... Applicants.

Versus

1. Union of India,
Service through the Secretary,
Ministry of Information and Broadcasting,
Government of India,
Shastri Bhawan,
New Delhi - 110 001.
2. The Director General,
Doordarshan, Mandi House,
New Delhi - 110001.
3. The Additional Director General
(P)/EZ/Doordarshan,
Mandi House, Copernicus Marg,
New Delhi - 110001.
4. The Deputy Director General (Administration),
Doordarshan, Mandi House,
Copernicus Marg,
New Delhi 110001.
5. The Chief Executive Officer,
Broadcasting Corporation of India,
Mandi House, Copernicus Marg,
New Delhi - 110001.
6. The Director,
Doordarshan Kendra,
Doordarshan Bhawan,
18/3, Uday Shankar Sarani, Golf Green,
Kolkata - 700095.
7. The Dy. Director (Engineering),
Doordarshan Kendra,
Doordarshan Bhawan,
18/3, Uday Shankar Sarani, Golf Green,
Kolkata - 700095.
8. The Section Officer (S-II(A)),

hslw



The Directorate General,
Doordarshan, Mandi House,
New Delhi – 110001.

..... Respondents.

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Paul, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants, all Casual Workers under the respondent authorities, have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“(a) Office Order No. 28/13/2018-SII(A)/305 dated 1.7.2019 issued by the respondent No. 6 is not tenable in the eye of law and as such the same may be quashed.

(b) Office Order No. 19/30/2019-S.II(A)/735 dated 11.11.2019 issued by the respondent No. 4 and Office Order No. Kol-TV-35(7)/2018-19/AVI(GeM)/135 dated 14.11.2019 issued by the respondent No. 7 are not tenable in the eye of law and as such the same may be quashed.

(c) An Order do issue directing the respondents to regularize the service of the applicants at the Doordarshan Kendra, Kolkata all under the authority of the respondents at an earliest and to allow the petitioner to continue their services at the present position and place of posting till such regularization and thereby releasing salary to the applicants month by month without any disturbance along with all arrears till date with the admissible interest and to grant all the benefits of services attached to the posts which are similar in nature already in the respective cadre of the respondent Kendra.

(d) Such further or other Order or Orders be passed and/or Direction or Directions be given as Your Lordships may deem fit and proper.”

2. An M.A. bearing No. 894 of 2019 has been filed praying for liberty for joint prosecution of this O.A. Upon being satisfied that the applicants share a common interest and are pursuing a common cause of action, this M.A. is allowed under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 and disposed of accordingly.

3. Some of the applicants have traversed a long and chequered history of litigation in which they have been repeatedly praying for grant of temporary status/wages, albeit with no ultimate success.

[Signature]

4. On 1.7.2019, respondent No. 5 had issued an Office Order that the Casual Labourers would be engaged through outsourced agencies, and, being aggrieved, the applicants had moved this Tribunal in O.A. No. 1006 of 2019 which was disposed of by this Tribunal on 29.7.2019 with liberty to the applicants to prefer a comprehensive representation citing rules and judicial decisions in their support and the respondent authorities were directed to dispose of the same within a specified time frame in accordance with law. The respondent authorities issued a speaking order dated 11.11.2019, being aggrieved with which, the applicants have approached the Tribunal in the present O.A.

During hearing, Ld. Counsel for the applicants would aver that the respondent authorities, in the meanwhile, have published a Scheme dated 22.8.2019 for regularization of irregular appointments/engagements in Prasar Bharati (All India Radio & Doordarshan), and, that the applicant No. 1 has preferred a representation dated 25.9.2019 praying for regularization under the aforesaid Scheme dated 22.8.2019.

Ld. Counsel for the applicants would hence urge that the applicants would be fairly satisfied if a direction is issued on the respondent authorities to dispose of such representation in a time bound manner.

5. Ld. Counsel for the respondents, per contra would contend that the respondents have issued their speaking order based on their policy statement dated 27.9.2012 and that complete representations are yet to be received by the respondents in response to their Scheme dated 22.8.2019.

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Ld. Counsel for the respondents, however, does not object to consideration of comprehensive representations in accordance with law.

6. Accordingly, with the consent of the parties, and, without entering into the merits of the matter, we hereby direct the respondent No. 7, namely, the Dy. Director (Engineering), Doordarshan Kendra, Doordarshan Bhawan, Kolkata, who is the addressee of such representation, to examine the representation made in response to their Scheme dated 22.8.2019, if received at his end, within a period of 16 weeks from the date of receipt of a copy of this order.

The said respondent authority shall decide in accordance with law, particularly in the context of the Scheme dated 22.8.2019 (Annexed at A-8 to the O.A.), and, thereafter, convey his decision in the form of a reasoned and speaking order to the applicant No. 1 of this O.A.

7. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP