

# SUPREME COURT OF INDIA

Union of India (UOI)

Vs.

R.N. Hegde

C.A.No. of 1996

(S.C.Agrawal and G.T.Nanavati JJ.)

14.03.1996

## ORDER

1. Delay condoned.

2. Leave granted.

3. These appeals are directed against the judgment of the Central Administrative Tribunal, Hyderabad Bench, (hereinafter referred to as "the Tribunal") dated 28-6-1993 in OAs Nos. 690, 707, 722 and 773 of 1992 and the order dated 16-9-1993 passed in Review Applications Nos. 84 to 87 of 1993. The respondents are engaged as Production Assistants/Floor Assistants in the Doordarshan Kendra, Hyderabad on casual basis. They are seeking regularisation on the post of Production Assistant/Floor Assistant.

4. By order dated 8-2-1991, passed in OA No. 894 of 1990, the Tribunal had directed the Union of India to formulate and implement a scheme of regularisation of Casual Artistes who had done 120 days of casual service. In accordance with the said direction given by the Tribunal, the Central Government framed a scheme for regularisation which has been approved by the Tribunal by its order dated 14-2-1992 passed in OA No. 563 of 1996. The said scheme has been notified vide OM dated 9-6-1992. Under para 6 of the scheme, the upper age limit would be relaxed to the extent of service rendered by the Casual Artistes at the time of regularisation and a minimum of 120 days' service in the aggregate in one year shall be treated as one year's service rendered for this purpose. By OM dated 10-6-1992 general guidelines have been issued to facilitate the implementation of the scheme. In clause (if) of the said guidelines, it is stated that for determining the number of years for which age concession is to be given, engagement for a total period of 120 days in one calendar year will be taken as one year. The said scheme has been revised by OM dated 17-3-1994 and OM dated 5-6-1994.

5. At the time when Respondents 1 to 5 were first engaged, the upper age limit under the relevant recruitment rules was 30 years and it was 25 years when Respondent 6 was first engaged. Their claim for regularisation was considered on the basis of the scheme notified vide OM dated 9-6-1992 but they were found ineligible on account of having crossed the age limit even after grant of relaxation as per the provisions contained in the scheme.

6. By the impugned judgment, the Tribunal has given direction for regularisation of the respondents

by giving the relaxation in the upper age limit by treating the minimum period of 40 days for the calendar year 1989 and no period for the calendar year 1990 for such of the Casual Staff Artistes who were recruited prior to 1988 and were not assigned work in the calendar years 1988 and 1989 in pursuance of the note dated 26-5-1989 (sic). The said direction of the Tribunal is not in consonance with the scheme as notified vide OM dated 9-6-1992 and it cannot be upheld. The matter of regularisation of the respondents, including the question whether they should be given relaxation in the matter of age, has to be considered only in accordance with the provisions contained in the scheme as notified vide OM dated 9-6-1992.

7. It appears that during the pendency of these appeals in this Court, the scheme has been modified by OM dated 17-3-1994 and OM dated 5-7-1994. The matter of regularisation of the respondents has to be considered in the light of the scheme as modified by OM dated 17-3-1994 and OM dated 5-7-1994.

8. The appeals are accordingly allowed, the impugned judgments of the Tribunal are set aside and it is directed that the matter of regularisation of the respondents will be considered by the appellants in accordance with the scheme as notified vide OM dated 9-6-1992 as modified by OM dated 17-3-1994 and OM dated 5-7-1994. Such consideration shall be done within a period of two months.

9. No orders as to costs.