

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2883 of 2016

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Ajay Kumar Jha, S/o Shri Kashi Nath Jha, resident of- 40, Mithila Colony, Road No. 5, North Patel Nagar, Post- Keshri Nagar, P.S. Shastri Nagar, Town & District- Patna

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Prasar Bharti, Ministry of Information & Broadcasting, Govt. of India, Shastri Bhawan, New Delhi
2. The Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi
3. The Deputy Director General, Doordarshan Bhawan, Copernicus Marg, New Delhi
4. The Chief Executive Officer, Prasar Bharti, Doordarshan Bhawan, Copernicus Marg, New Delhi
5. The Station Director, Doordarshan Kendra, P.O.- G.P.O., P.S.-Kotwali, District- Patna
6. The Deputy Director General (E) cum- Head of Office, Prasar Bharti, Doordarshan Kendra, P.O.- G.P.O., P.S.-Kotwali, Town & District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kalikant Jha, Advocate.
Mr. Manish Jha, Advocate.

For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.
Mr. Abhay Shankar Jha, CGC.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 12-07-2016

The order dated 2nd July, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') is the subject matter of challenge in the present writ petition. The petitioner had worked on casual basis for certain days in the year 1992 to 1996, on the basis of which he claims regularization.

The Tribunal noticed the scheme of regularization is to

the effect that a casual employee should have completed 120 days prior to cut off date, which is 31st December, 1991. Since, the petitioner has not proved to have worked for 120 days and that too before the cut off date, the claim of the petitioner for regularization was rejected.

The argument of learned counsel for the petitioner is that benefit of regularization has been granted to some other similarly situated employees, therefore, same benefit should be granted to the petitioner as well. Such aspects has been considered by the Tribunal in the light of the judgment of the Hon'ble Supreme Court in the case of *Chandigarh Administration vs. Jagjit Singh* reported as (1995) 1 SCC 745 and *Gurusharan Singh vs. NDMC* reported as AIR 1996 SC 1175, holding that illegality or irregularity once committed in favour of any individual or group of individuals, cannot be a ground for seeking similar relief.

The petitioner does not satisfy the pre-condition of regularization in terms of the circular (Annexure-3) dated 09.06.1992. Since, the petitioner does not satisfy the requirement, the Tribunal or this Court is not justified to issue any direction to the respondents to regularize the services of the petitioner in contravention of the scheme, so framed. If some of the similarly situated employees have been regularized in violation of the scheme, even under the orders of

the Tribunal, that will not confer any enforceable right to the petitioner as illegality committed once cannot be permitted to be perpetuated .

Thus, we do not find any error in the order passed by the Tribunal in the present writ petition. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

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