

No. 03/04/2019-LC
PRASAR BHARATI
(India's Public Service Broadcaster)
PRASAR BHARATI SECRETARIAT,
Prasar Bharati House, Copernicus Marg,
New Delhi – 110001.

Dated: 5th September, 2019

CIRCULAR

Subject: Scheme for regularisation of irregular appointments/engagements in Prasar Bharati (All India Radio & Doordarshan) in pursuance of Department of personnel & Trg. O.M. No. 49019/1/2006-Estt(C) dated 11.12.2006 as per parameters laid down by the Hon'ble Supreme Court in CA 3595-3612 of 1999 in Secretary, State of Karnataka and ors vs Uma Devi and ors as interpreted in its successive judgments.

A Scheme for regularisation of irregular appointments/engagements in Prasar Bharati (All India Radio & Doordarshan) has been prepared by Prasar Bharati in pursuance of Department of personnel & Trg. O.M. No. 49019/1/2006-Estt(C) dated 11.12.2006 as per parameters laid down by the Hon'ble Supreme Court in CA 3595-3612 of 1999 in Secretary, State of Karnataka and ors vs Uma Devi and ors as interpreted in its successive judgments.

2. The Scheme has been approved by the Ministry of Information & Broadcasting in consultation with the Department of Personnel & Trg. and the Ministry of Law (Department of Legal Affairs).
3. A copy of the Scheme dated 22nd August, 2019 is enclosed with the request that the same may be given wide publicity, including uploading in the websites of the respective directorates, displaying it in the Notice Boards of all Offices/Stations/Kendras of the Directorate General of AIR/Directorate General of Doordarshan/ DG(NSD)/DG:DD(News) and Civil Construction Wing of AIR.
4. Those irregular appointees/engagees who claim to fulfill the above criteria may submit their applications to the Heads of Office of the respective offices/ Stations/Kendras **by 04.11.2019** clearly indicating the posts against



which they claim to be regularised. No irregular appointees/engagees shall be permitted to stake his/her claim against more than one post.

5. The Heads of Office of the respective offices/ Stations/Kendras and other offices of All India Radio and Doordarshan, CCW and News Directorates, including RNUs shall compile all applications so received and forward the same alongwith copies of the relevant records, duly certified by the Heads of Office, to the Directorate General of AIR/Directorate General of Doordarshan/ DG(NSD)/DG:DD(News) or CE,CCW, as the case may be **by 04.12.2019**.

6. A list of all such irregular appointees/engagees whose cases are forwarded to the Directorate General of AIR /Directorate General of Doordarshan /DG(NSD) /DG:DD(News)/ CE,CCW shall be displayed in the Notice Board by the respective Heads of Office.

7. The concerned Directorate General of AIR/Doordarshan/DG(NSD)/ DG:DD(News)/ CCW will thereafter carryout detailed scrutiny of these applications. Scrutiny of applications with regard to the eligibility of the claimants for regularisations may be completed by the respective Directorates **by 04.02.2020**.

8. After scrutiny, lists of such irregular appointees/engagees who fulfill the eligibility criteria as stipulated at para 3 above will be sent to Prasar Bharati Secretariat with specific approval of respective Director Generals for consideration and approval of the CEO, Prasar Bharati.

9. Those who do not meet the eligibility criteria for regularisation will be informed of the decision by the respective Directorate Generals through their Stations/Kendras/Offices. Station/Kendra/Office wise lists of such unsuccessful candidates will also be uploaded by Directorate Generals in their respective sites.

10. This issues with the approval of the CEO, Prasar Bharati.

Encl: As above.



(Srideb Nanda)
Director (Admn)


To

(1) The Director General of All India Radio, Akashvani Bhawan, New Delhi-110001.

- (2) The Director General of Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.
- (3) The Principal Director General (News Service Division), Akashvani Bhawan, New Delhi-110001.
- (4) The Director General (Doordarshan News), Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.
- (5) The CE, CCW, AIR.

Copy with a copy of the Scheme for kind information to:

SO to CEO/PS to Member (Finance)/ADG(A)/ADG(HR) Prasar Bharati Sectt.

 Copy with a copy of the Scheme to Shri Deepak Joshi, DDG(Tech), Prasar Bharati Sectt. for uploading in Prasar Bharati website.

Copy to Guard file.


(Srideb Nanda)
Director (Admn)

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Dated: 22nd August, 2019

Scheme for regularisation of irregular appointments/engagements in Prasar Bharati (All India Radio & Doordarshan) in pursuance of Department of personnel & Trg. O.M. No. 49019/1/2006-Estt(C) dated 11.12.2006 as per parameters laid down by the Hon'ble Supreme Court in CA 3595-3612 of 1999 in Secretary, State of Karnataka and ors vs Uma Devi and ors as interpreted in its successive judgments.

A Constitution bench of the Supreme Court in Civil Appeal No. 3595-3612/1999 etc. in the case of Secretary State of Karnataka and Ors. Vs. Uma Devi and ors. has reiterated that any public appointment has to be in terms of the Constitutional scheme. However, as an exception to this ratio, the Supreme Court in para 44 of the aforesaid judgement dated 10.04.2006 has directed that the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure the services of such irregularly appointed, who are duly qualified persons in terms of the statutory recruitment rules for the post and who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or tribunals. The Apex Court has clarified that if such appointment itself is in infraction of



the rules or if it is in violation of the provisions of the Constitution, illegality cannot be regularized.

2. Following the aforesaid judgment of the Hon'ble Supreme Court, the Department of personnel & Trg. have issued instructions to the various Ministries/Departments of the Government of India for implementation of the judgment vide its O.M. No. 49019/1/2006-Estt(C) dated 11.12.2006.

3. The issue has been examined in the light of various judgments/order of Courts/Tribunal as well as the pending litigations across the country and it has been decided with the approval of the Ministry of I & B, Government of India that claims for regularisation of irregular appointments/engagements made by All India Radio and Doordarshan, including the respective News Directorates and CCW, shall be considered as a one-time measure as per following parameters laid down in Uma Devi Case as further interpreted by the apex court in its various judgments:

Parameters for Determining Eligibility for Regularization:

- (i) **Cut of Date: Only those irregular appointees/engagees who had put in 10 years of continuous service** against duly sanctioned vacant posts but not under the cover of order of Courts or Tribunals **as on 10.04.2006** (date of judgment in Uma Devi case) [*Secretary, State of Karnataka and ors vs Uma Devi and ors (10.04.2006); State of Karnataka and ors vs M.L. Kesari and ors decided on 03.08.2010*].
- (ii) **Only Full Time irregular appointees/engagees: Only full time irregular appointees/engagees would be**



eligible to be considered. Part time irregular appointees/engagees or those engaged through the contractor or any other agency would not be eligible. [*State of Rajasthan & ors vs Daya lal & ors (decided on 13.01.2011); Secretary to Government, School Education Department, Chennai vs Thiru R. Govindaswamy & ors. (decided on 21.02.2014); Secretary to Govt. Commercial Taxes and Registration Department, Secretariat and anr. vs Singamuthu (decided on 07.03.2017)*].

(iii) **Consideration of only those engaged against duly sanctioned posts:** Only such full time irregular appointees/engagees would be eligible to be considered who were initially engaged and continued against duly sanctioned posts. [*Secretary, State of Karnataka and ors vs Uma Devi and ors (10.04.2006); State of Rajasthan & ors vs Daya lal & ors (decided on 13.01.2011); Secretary to Government, School Education Department, Chennai vs Thiru R. Govindaswamy & ors. (decided on 21.02.2014); Secretary to Govt. Commercial Taxes and Registration Department, Secretariat and anr. vs Singamuthu (decided on 07.03.2017)*].

(iv) **Consideration of only those who were eligible for appointment to the post as per recruitment rules at the time of their initial engagement:** Only such full time irregular appointees/engagees would be eligible to be considered who were eligible for appointment to the post as per Recruitment Rules in vogue at the time of their initial engagement. [*Secretary, State of Karnataka and ors vs Uma*



Devi and ors (10.04.2006); State of Rajasthan & ors vs Dayalal & ors (decided on 13.01.2011); Secretary to Government, School Education Department, Chennai vs Thiru R. Govindaswamy & ors. (decided on 21.02.2014); Secretary to Govt. Commercial Taxes and Registration Department, Secretariat and anr. vs Singamuthu (decided on 07.03.2017)].

Procedure for Consideration of Claims:

4. Those irregular appointees/engagees who claim to fulfill the above criteria may submit their applications to the Heads of Office of the respective offices/ Stations/Kendras **by 04.11.2019** clearly indicating the posts against which they claim to be regulated. No irregular appointees/engagees shall be permitted to stake his/her claim against more than one post.

5. The Heads of Office of the respective offices/ Stations/Kendras and other offices of All India Radio and Doordarshan, CCW and News Directorates, including RNUs shall compile all applications so received and forward the same alongwith copies of the relevant records, duly certified by the Heads of Office, to the Directorate General of AIR/Directorate General of Doordarshan/ DG(NSD)/DG:DD(News) or CE,CCW, as the case may be.

6. A list of all such irregular appointees/engagees whose cases are forwarded to the Directorate General of AIR /Directorate General of Doordarshan /DG(NSD) /DG:DD(News)/ CE,CCW shall be displayed in the Notice Board by the respective Heads of Office.



7. The concerned Directorate General of AIR/Doordarshan/DG(NSD)/ DG:DD(News)/ CCW will thereafter carryout detailed scrutiny of these applications. Scrutiny of applications with regard to the eligibility of the claimants for regularisations may be completed by the respective Directorates **by 04.02.2020.**

8. After scrutiny, lists of such irregular appointees/engagees who fulfill the eligibility criteria as stipulated at para 3 above will be sent to Prasar Bharati Secretariat with specific approval of respective Director Generals for consideration and approval of the CEO, Prasar Bharati.

9. Those who do not meet the eligibility criteria for regularisation may be informed of the decision by the respective Directorate Generals through their Stations/Kendras/Offices. Station/Kendra/Office wise lists of such unsuccessful candidates may also be uploaded by Directorate Generals in their respective sites.

Power to remove difficulties:

10. If any procedural difficulty arises in giving effect to the Scheme, the CEO, Prasar Bharati may, by order, make such provisions not inconsistent with the general principles laid down by the Supreme Court, as he may deem necessary, for removal of such difficulty.

11. **The effective date of regularisation:** The date of judgment of the Uma Devi case i.e. 10.04.2006 will be treated as the date of regularisation of employees under this Scheme.

