

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 20103 OF 2025

Between:

1. The Director General, Doordarshan, Doordarshan Bhavan, Copernicus Marg, New Delhi- 110 001
2. The Director General (Administration), Doordarshan Bhavan, 5t11 floor, Mandi house, New Delhi- 110001.
3. The Director, Doordarshan Kendraa, Ramantapur, Hyderabad.
4. The CEO, Prasar Bharathi, 2nd floor, PTI Building, Sansad Marg, New Delhi- 110 001.
5. The Union of India, Rep by its Principal Secretary, Ministry of Information and Broadcasting, Room No. 655, A Wing Shastri Bhavan, New Delhi- 110001.

...PETITIONERS

AND

1. The Central Administrative Tribunal, Hyderabad Bench, at Hyderabad
2. Prem Sagar, C/o. B. Ashok Rao Aged: unknown, Makeup Asst Doordarshan, H.No. 3-16-99/50/A/2, Plot No. 519, Street No.4, Kamakshipuram, Ramanthapur, Hyderabad.

(Rspondent no.1 is not necessary party in this Petition)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an Order/writ in the nature of certiorari, to call for the records of the Orders passed in O.A. NO. 265 of 2016 vide Orders dated 13.12.2024 by Central Administrative Tribunal- Hyderabad and set aside the same.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further, proceedings in pursuance of Orders passed in O.A. NO. 265 of 2016 vide Orders dated 13.12.2024 by Central Administrative Tribunal-Hyderabad pending disposal of the present writ petition.

Counsel for the Petitioners: SRI K.L.N. RAGHAVENDRA REDDY

Counsel for the Respondent No.1: SC FOR CENTRAL GOVT

Counsel for the Respondent No.2: Smt.P.KALYANI

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

WRIT PETITION No.20103 OF 2025

DATE: 22.01.2026

Between:

The Director General, Doordarshan
and 4 others

....Petitioners

AND

The Central Administrative Tribunal
and another

....Respondents

ORDER

This Writ Petition assails the order dated 13.12.2024 passed by the Central Administrative Tribunal (CAT) in O.A.No.265 of 2016, whereby the Tribunal allowed the said application and directed the petitioners to regularise the services of the second respondent with effect from 16.12.2003, together with all consequential and attendant benefits, including pay fixation under successive Pay Commissions, grant of Modified Assured Career Progression (MACP) benefits, payment of interest at the rate of 9% per annum in the event of delay, and costs quantified at Rs.25,000/-.

2. Heard Sri K.L.N.Raghavendra Reddy, learned counsel for the petitioners and Smt. P.Kalyani, learned counsel for respondent No.2 and perused the record.
3. The brief facts of the case are that the 2nd respondent was initially engaged as a casual Make-up Assistant at Doordarshan Kendra, Hyderabad, in the year 1985. Subsequently, pursuant to directions issued by the Courts, a Scheme for Regularisation of Casual Artists was introduced in the year 1992 (for short 'the scheme'). As per the said scheme, regularisation was permissible only against a duly sanctioned vacancy and subject to the casual artist having rendered not less than 120 days of work in a calendar year.
4. The 2nd respondent was found to be otherwise eligible under the said scheme. However, at the relevant point of time, no sanctioned vacancy in the Other Backward Classes (OBC) category for the post of Make-up Assistant was available at Doordarshan Kendra, Hyderabad.
5. In the year 2003, the petitioners initiated a proposal to shift a sanctioned vacancy from Doordarshan Kendra, Lucknow, to Hyderabad for the purpose of considering the case of the second respondent. The said vacancy, however, was subject matter of a pending writ petition in W.P.No.2875 of 2001 filed by another casual employee before the Lucknow Bench of the

Allahabad High Court, which came to be disposed of only in December, 2014.

6. Thereafter, in a special drive undertaken in the year 2015, the 2nd respondent was regularised prospectively with effect from 03.06.2015 along with 232 other similarly placed casual artists. Aggrieved by the non-grant of retrospective regularisation from the year 2003 or an earlier date, the 2nd respondent approached the Tribunal by filing O.A.No.265 of 2016.

7. The Tribunal, by the impugned order dated 13.12.2024, allowed the application and issued directions for retrospective regularisation with consequential benefits.

8. Questioning the legality and correctness of the said order, the petitioners have preferred the present writ petition.

9. The learned counsel for the petitioners has contended:

- i. That the directions issued by the Tribunal for retrospective regularisation are contrary to the law laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others v. Umadevi and others**¹, wherein it has been categorically held that regularisation cannot be ordered de hors the constitutional scheme of recruitment and in the absence of a duly sanctioned vacancy.

¹ (2006) 4 SCC 1

- ii. That the Scheme itself mandated that regularisation could be effected only against an existing sanctioned vacancy. According to the petitioners, no sanctioned vacancy in the OBC category for the post of Make-up Assistant was available at Doordarshan Kendra, Hyderabad, till the year 2014-15.
- iii. That although a proposal was initiated in the year 2003 to shift a sanctioned vacancy from Doordarshan Kendra, Lucknow, to Hyderabad for considering the case of the 2nd respondent, the said proposal could not be implemented on account of the pendency of W.P.No.2875 of 2001 before the Allahabad High Court, which was beyond the control of the petitioners.
- iv. That the Tribunal failed to consider the Office Memorandum dated 11.06.2010 issued by the Department of Personnel and Training, which clarifies that casual service cannot be reckoned for seniority or other service benefits.
- v. That at the time of the 2nd respondent's regularisation in the year 2015, the 2nd respondent had furnished a written declaration undertaking that he would not claim any benefits for the period prior to the date of regularisation. Despite the same, the Tribunal erroneously directed grant of retrospective benefits. The

said declaration is extracted hereunder for ready reference:

(iii) *I also declare that I am willing to be posted anywhere in India in the event is considered for my regular appointment under Regularisation Scheme of Doordarshan 1992 & 1994 against the vacancies available at the Kendras other than the one when I was initially engaged as casual and worked prior to 31.12.1991.*

(iv) *****

(v) *I solemnly declare that I will not claim seniority and other consequent benefits whatsoever from the date of my initial engagement and all the in-service benefits would accrue to me from the date of my regular appointment.*

vi. That the direction to grant arrears of pay from the year 2003 amounts to payment of wages for a period during which the 2nd respondent was neither appointed against a regular post nor discharging duties in a regular capacity, which is impermissible in law.

vii. That the award of costs quantified at Rs.25,000/- was assailed as unwarranted, in the absence of any wilful delay or *mala fide* conduct on the part of the petitioners.

10. The learned counsel for the 2nd respondent supported the impugned order of the Tribunal and contended:

i. That the petitioners themselves had approved the proposal for shifting of a sanctioned vacancy from Doordarshan Kendra, Lucknow, to Hyderabad as early as 16.12.2003, which clearly demonstrates that a vacancy

was available for the purpose of regularising the services of the second respondent.

- ii. That the pendency of the writ petition before the Allahabad High Court was merely cited as a reason to indefinitely postpone regularisation, and that the said writ petition ultimately came to be dismissed, thereby removing any impediment to regularisation.
- iii. That the petitioners had regularised juniors and other similarly situated casual artists from earlier dates, while denying similar treatment to the second respondent, which amounts to hostile discrimination and violation of Articles 14 and 16 of the Constitution of India.
- iv. That the 2nd respondent had rendered continuous service for more than three decades, which, according to learned counsel, gave rise to a legitimate expectation of regularisation from the date he became eligible under the scheme.
- v. That the undertaking furnished at the time of regularisation in 2015, was obtained under compulsion and cannot operate as a waiver of statutory or constitutional rights, and that the Tribunal rightly exercised its equitable jurisdiction and granted relief in favour of the 2nd respondent in the interest of justice.

11. We have taken note of the respective contentions urged and the material on record.

Consideration by this Court

12. In the present case the Tribunal proceeded on the premise that the communication dated 16.12.2003, whereby a proposal was initiated to shift a sanctioned vacancy from Doordarshan Kendra, Lucknow, to Hyderabad, conferred an enforceable right upon the 2nd respondent to claim regularisation with effect from the said date. Such an assumption, in our considered view, is legally unsustainable.

13. The Apex Court in ***State of Haryana v. Subash Chander Marwaha***² has held that the mere existence of a vacancy, or even a proposal to create, fill, or transfer a vacancy, does not vest any indefeasible right in an employee to seek appointment or regularisation against the same.

14. It is pertinent to note that even assuming that a vacancy was proposed to be shifted in the year 2003, the record reveals that the said vacancy was subject to the outcome of pending litigation before the Allahabad High Court in W.P. No. 2875 of 2001. Until the said litigation attained finality in December, 2014, the vacancy remained legally encumbered and unavailable for regularisation. In such circumstances, no

² (1974) 3 SCC 220

enforceable right could have accrued in favour of the 2nd respondent prior to 2015.

15. The Hon'ble Supreme Court in **Umadevi's** case (supra 1), has authoritatively held that regularisation is not a mode of appointment and that Courts cannot direct regularisation in the absence of sanctioned posts or in derogation of the constitutional scheme of public employment.

16. It is to be noted that the Scheme itself reflects compliance with the principles enunciated in **Umadevi's** case (supra 1), inasmuch as it restricts regularisation strictly to available sanctioned vacancies. The direction issued by the Tribunal to grant retrospective regularisation from 2003, despite the admitted absence of a clear and unencumbered vacancy at Hyderabad during the relevant period, effectively results in creation of a backdated vacancy, which is impermissible in law.

17. Further, a material aspect which has not received due consideration by the Tribunal is the declaration-cum-undertaking furnished by the 2nd respondent while seeking regularisation under the special drive undertaken between 2012 and 2015. By the said undertaking, the 2nd respondent expressly acknowledged that his regularisation would be prospective, that he would be placed junior to all regularly appointed employees, and that he would not claim seniority or

other consequential benefits from the date of his initial engagement.

18. Such an undertaking cannot be treated as a mere formality. Having consciously accepted regularisation on the said terms and availed the benefit thereof, the 2nd respondent is estopped from resiling from the conditions voluntarily agreed to by him. Therefore, the Doctrine of Estoppel squarely applies, and the Tribunal erred in disregarding the legal effect of the said undertaking.

19. It is to be noted that the Office Memorandum dated 11.06.2010 issued by the Department of Personnel and Training categorically clarifies that casual service shall not be reckoned for seniority or other service benefits. This position was reiterated in the regularisation order issued in favour of the 2nd respondent in 2015. The said portion of the Office Memorandum is extracted hereunder for ready reference:

1. In the matter regarding regularization of casual Artists as per Regularization Scheme of 1992 & 1994, it has been clarified by DOP&T vide letter dated 11th June, 2010, "that the services rendered by the Production Assistants on casual basis would not count for the purpose of their seniority in that grade. They will not be entitled to any consequential benefits and seniority from the date of initial booking as casual artist".

20. Further the Tribunal's direction to grant seniority and attendant financial benefits from the year 2003 runs contrary to the said clarification, the governing scheme, and the express terms of regularisation accepted by the 2nd respondent.

21. While the long and continuous association of the 2nd respondent with the establishment may evoke sympathetic consideration, Equitable principles cannot override binding Constitutional mandates, statutory schemes, and voluntary undertakings. Legitimate expectation, howsoever genuine, cannot be elevated to a legal right in the absence of compliance with the governing rules and availability of a sanctioned post.

22. In regard to the imposition of costs by the Tribunal on the ground of administrative delay, it is to be noted that the delay in regularisation was substantially occasioned by pendency of litigation beyond the control of the petitioners. In the absence of any finding of *mala fide* or deliberate inaction, the imposition of costs was unwarranted and calls for interference.

23. Subsequent to the conclusion of hearing, learned counsel for 2nd respondent, by way of mentioning, placed on record the order in **O.A.Nos.129 of 2018 and 725 of 2019³** and judgments rendered in ***Dharam Singh and others v. State of U.P and others⁴***, ***Rajkaran Singh and others v. Union of India and others⁵***, ***S.D. Jayaprakash and others v. Union of India and others⁶***, and ***Central Inland Water Transport Corporation Ltd. v. Brojo Nath Ganguly⁷*** which she sought to

³ Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A.Nos.260/00129/2018&725/2019 dated 26.09.2025

⁴ AIR 2025 SC 3897

⁵ AIR 2024 SC 4321

⁶ SLP (C) Nos.19539-19540 of 2021 dated 29.04.2025

⁷ AIR 1986 SC 1571

rely upon. The said judgments have also been taken into consideration by this Court to ensure a complete and comprehensive adjudication of the issues involved. In this regard, this Court finds that the reliance placed by the 2nd respondent on the following cases does not advance the cause of respondent No.2 employee for the following reasons:

- i. In **O.A.Nos.129 of 2018 and 725 of 2019** (*supra* 3), the CAT, Cuttack Bench recorded a categorical finding that a specific, identified and unencumbered vacancy stood created in favour of the applicants pursuant to an Office Memorandum dated 10.11.1995, whereby two sanctioned posts were expressly diverted "with immediate effect" for the sole purpose of regularizing the services of the named individuals. The vacancy, thus, was found to be real, available, and attributable to the applicants from the said date, and the prolonged delay in issuing formal orders of regularization was held to be purely administrative and unjustified.

In stark contrast, the communication dated 16.12.2003 was merely a proposal to shift a vacancy from Lucknow to Hyderabad. The said vacancy was not available, being subject to adjudication in W.P.No.2875 of 2001 pending before the Lucknow Bench of the Allahabad High Court, which constituted a clear legal impediment

until its disposal in December 2014. The resulting delay, therefore, cannot be attributed to administrative inaction or arbitrariness, but arose from circumstances beyond the control of the appellants, there being no final or executable order akin to the Office Memorandum dated 10.11.1995 prior to the special drive of 2015.

Further, unlike in O.A.No.129 of 2018, the present matter is distinguished by a written undertaking dated 09.11.2012 furnished by the 2nd respondent, whereby he unequivocally waived any claim to seniority or consequential benefits prior to his regular appointment, giving rise to estoppel against retrospective claims; a determinative factor absent in the Cuttack proceedings.

In the light of the above reasons, the CAT, Cuttack order, which turned on its own peculiar facts, cannot be treated as a precedent governing the present controversy.

- ii. In **Dharam Singh** (supra 4), the Hon'ble Supreme Court was concerned with daily-wage employees discharging perennial and core ministerial functions of a statutory body, where the employer itself had repeatedly sought sanction of posts acknowledging a continuing administrative necessity. The Court found the State's refusal to create posts to be arbitrary, there being no legal impediment to such creation. The present case stands on

a different footing altogether, as the engagement of the 2nd respondent was under a specific scheme governing casual artists, and the alleged vacancy itself was legally encumbered by pending litigation. Thus, no finding of arbitrariness in the employer's conduct can be drawn.

- iii. In **Rajkaran Singh** (supra 5) the employees, though labelled as temporary, were found to be fully assimilated into the regular governmental structure, drawing regular pay scales, increments, promotions and allowances for decades, thereby warranting parity in substance over form. The 2nd respondent herein, by contrast, remained a casual artist governed by the 1992 Scheme, without integration into a regular cadre or parity in pay and service benefits prior to his regularization in 2015.
- iv. The decision in **S.D. Jayaprakash** (supra 6) turned entirely on the mandatory application of Rule 17 of the CCS (Pension) Rules, 1972, which entitled a regularized employee to count prior contractual service for pension. The present case does not arise under the said statutory rule, but under a specific administrative scheme, and is further distinguished by the 2nd respondent's express written waiver of retrospective claims. Thus, the ratio of **Jayaprakash's** case cannot be mechanically extended to

override the terms of the scheme and the binding undertaking.

v. In ***Central Inland Water Transport Corporation Ltd.***

(supra 7) it dealt with the validity of an unconscionable service rule permitting arbitrary termination without cause or hearing, and the consequent application of Articles 12 and 14 of the Constitution and Section 23 of the Contract Act. However, the present case does not relate to termination or oppressive contractual terms, but concerns service jurisprudence on regularization against sanctioned vacancies and the effect of a voluntary waiver of retrospective claims. The 2nd respondent herein was not subjected to arbitrary termination; rather, he was regularized in accordance with the applicable scheme and thereafter sought retrospective regularization and consequential benefits despite the absence of a clear vacancy and in the face of a binding waiver. Thus, the said judgment affords no support to the second respondent's claim.

24. Upon careful consideration, this Court is of the view that the reliance placed by the 2nd respondent on the aforesaid judgments does not advance the cause of the 2nd respondent, as the same are distinguishable on facts, circumstances, and the

context in which they were rendered, and therefore have no application to the facts of the present case.

Conclusion

25. For the foregoing reasons, this Court is of the considered view that the order passed by the Tribunal is legally unsustainable. The Tribunal erred in proceeding on the assumption that a proposal for transfer of a vacancy confers a vested right to regularisation. The Tribunal also failed to accord due weight to the binding undertaking furnished by the 2nd respondent, and issued directions contrary to the settled principles governing public employment. The impugned directions are contrary to the applicable regularisation scheme and the clarifications governing reckoning of casual service and, therefore, cannot be sustained.

26. Accordingly, this Writ Petition is allowed setting aside the order dated 13.12.2024 passed by the Tribunal, in O.A.No.265 of 2016. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/M. JAWAHAR REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Director General, Doordarshan, Doordarshan Bhavan, Copernicus Marg, New Delhi- 110 001
2. The Director General (Administration), Doordarshan Bhavan, 5t11 floor, Mandi house, New Delhi- 110001.
3. The Director, Doordarshan Kendraa, Ramantapur, Hyderabad.
4. The CFO. Prasara Bharathi, 2nd floor, PTI Building, Sansad Marg, New Delhi-

5. The Union of India, Rep by its Principal Secretary, Ministry of Information and Broadcasting, Room No. 655, A Wing Shastri Bhavan, New Delhi- 110001.
6. The Central Administrative Tribunal, Hyderabad Bench, at Hyderabad
7. One CC to SC FOR CENTRAL GOVERNMENT [OPUC]
8. One CC to SRI K.L.N RAGHAVENDRA REDDY, Advocate [OPUC]
9. One CC to SRI P.KALYANI, Advocate [OPUC]
10. Two CD Copies

PMK
BS

A handwritten signature in black ink, appearing to be 'KPS' or similar, with a horizontal line drawn through it.

HIGH COURT

DATED:22/01/2026



ORDER

WP.No.20103 of 2025

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(12)
kpr
3/3/26