



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 2330/2016

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Reserved on: 27/01/2020

Pronounced on: 04.03.2020

Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Smt. Sunita Devi, age-47,
W/o Sh. Gagan Deep,
Designation-Reengagement,
R/o Flat No. 21,
Raksha Sampada Bhawan Complex,
Cantt. – 10, New Delhi.

...Applicant

(By Advocate: Ms. Padma Priya)

Versus

1. Union of India,
Through the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Prasar Bharti,
Through Director General,
Delhi Doordarshan News,
New Delhi.
3. The Director (Admn.),
Indias Public Service Broadcaster,
Doordarshan News, New Delhi.
4. The ADG (N& C.A.),
Doordarshan News,
Coordination Section,
New Delhi.

...Respondents



(By Advocate: Mr. Rajeev Sharma, Mr. Saket Chandra, Mr. S. K. Tripathi for Mr. Gyanendra Singh and Mr. D. S. Mahendru)

ORDER

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Mohd. Jamshed, Member (A):-

The applicant was hired by respondents to work as News Packaging Assistant in Delhi Doordarshan in the month of July, 2006 under '10 days a month' scheme. It is stated by the applicant that the applicant was engaged by respondents on casual basis and her wages were fixed at Rs. 635/- per month and later on increased to Rs. 1000/- per day and lastly, it was increased to Rs. 1600/- per day since 03.11.2014. She claims to have been utilized for the entire month but was paid wages only for 10 days only. After having worked in this capacity for 08 years, her services were terminated on 31.12.2014 whereas others in the same capacity have continued to work. Her services were also terminated orally. Challenging the same she submitted a legal notice asking the respondents to re-engage and reinstate her in earlier position. In response to the legal notice dated 26.02.2016, the respondents replied to the notice and assigned the reasons of termination. It is stated in their reply



that the assessment report of the applicant submitted by her Reporting Officer reveals that her work delivery was not found satisfactory and, hence, she was removed from casual panel. The applicant denied these allegations on her performance and contends that the respondents took this decision as she had demanded her regularisation. Such a decision on the part of the respondents is with malafide intention and not in accordance with law. The applicant has sought relief from the Tribunal in terms of the following:-

“(a) to quash and set aside the impugned order dated 18.03.2016 directing the respondents to reinstate the applicant in service with full back wages and continuity of service etc.

(b) To direct the respondents to treat the applicant at par with her juniors, counterparts and similarly placed persons regarding the matter of promotion.

(c) To allow the OA with all consequential benefits declaring the disengagement of the applicant from 31.2.2014 which is bad in law.

(d) Any other relief which this Hon’ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant.”

2. In support of her claim she has submitted copies of various documents including her engagement letter, salary payment information and the impugned order of the respondents dated 18.03.2016 in response to the legal notice.



3. Respondents opposed the OA by submitting that the applicant was merely a casual engagee. Her appointment was not against any sanctioned vacancy and that engagement of a casual part time employee would not constitute a service matter. They have contested the claim of the applicant that her wages were fixed as Rs. 635/- per month and later on increased to Rs. 1000 per day and lastly they were increased to Rs. 1600/- per day. It is submitted that in order to meet the shortage of hands in DD News, casual panels under various categories were prepared from time to time by which around 350 persons including the applicant were engaged. She was initially engaged in the year, 2006 under '10 days a month' scheme on assignment basis. Thereafter, '10 days a month' scheme was reduced to 07 days a month. Respondents submit that the applicant has wrongfully claimed that her remuneration was of Rs. 635/- per month. The fact is that it was Rs. 635/- per assignment per day. Her assessment report which was submitted by her Reporting Officer indicated that her work delivery was not found satisfactory and, therefore, she was removed



from the casual panel. Such persons who are engaged for a few days work in a month are also authorised to work outside anywhere in their private capacity and for the assignments given by the respondents they are paid on daily basis, for not more than 07 days a month. These days are also not in continuation and are on as and when required basis.

4. Learned counsel for the applicant placed reliance upon the orders passed by this Tribunal in OA No. 471/2014 and OA No. 3165/2015 and batch pronounced on 14.12.2016 and 10.07.2017, respectively.

The facts of these OAs are different as they pertain to different set of staff which are not similar to the applicant.

5. We heard Ms. Padma Priya, learned counsel for the applicant and Mr. Rajeev Sharma, Mr. Saket Chandra, Mr. S. K. Tripathi for Mr. Gyanendra Singh and Mr. D.S. Mahendru, learned counsel for the respondents.

6. It is obvious that the applicant was hired under '10 days a month' scheme w.e.f. 19.09.2006.



This was done to meet the shortage of hands in DD News and 350 persons who constitute panels under various categories were hired. All these are paid for a limited number of days i.e. 10 to 07 days in a month on different days as and when they are assigned work. It is also confirmed by the respondents that these people can take any engagement/employment outside DD News as DD News does not bar persons on casual panel to take employment outside. Their engagement is made for 07 days in a month and wages are paid on a daily basis. It is also confirmed that these persons are not engaged on a continuous basis but, as and when, required during the month. The details provided vide respondents letter dated 23.01.2015 regarding the payment of wages to the applicant reveals that she has been paid only for the number of days for which she has worked up to a maximum of 10 days till 2012 and, thereafter up to a maximum of 07 days on different dates and has been paid accordingly. However, as such persons are engaged on assignment through Supervisor/Reporting Officer, the Supervisor/Reporting Officer have to undertake



review of their work and take necessary action. In the impugned order it has been clarified that as per various guidelines issued from time to time casual panels are reviewed continuously. As per assessment report submitted by the Reporting Officer, the applicant's work delivery was not found satisfactory and, hence, she was removed from casual panel after approval.

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7. This case is different from those of contractual employees who are required for a job of perennial nature and continue to work on a monthly basis. Similarly, ad-hoc employees are posted against vacancies. There are rules governing the contractual and ad-hoc employees, providing them protection. However, persons who are engaged for specific jobs for a maximum of 10 days in a month and, that too, on the days whenever there is requirement and are paid on daily basis for those days for which they work, there does not exist any claim for retention. At the same time, these persons are not considered employees of any kind (Contractual or ad-hoc) as they are free to take up assignment outside in their private capacity. It has been claimed by the applicant that



the impugned order which is the reply to the legal notice indicates that her work delivery was not found satisfactory and this is stigmatic. The respondents are justified in undertaking or reviewing the work of these persons who are engaged only for a few days in a month for specific assignments. Their work is assigned by their Reporting Officer and if the same is not found satisfactory, necessary action may be taken against them.

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8. In the impugned order, it is clearly mentioned that the applicant's work delivery was not found satisfactory and, hence, she was disengaged. It is also a fact that such assignments are temporary in nature and based on the qualifications of the persons to be assigned certain works. When these persons are authorised to work outside the DD News in their private capacity, it is evident that such persons cannot be considered at par with contractual or ad-hoc employees.

9. In view of the above, we do not find any infirmity or illegality in the action taken by the respondents in disengaging the applicant. The OA



is devoid of merit and the same is, accordingly, dismissed. Pending MAs, if any, shall stand disposed of. There shall be no order as to costs.

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(Mohd. Jamshed)
Member (A)

(S.N. Terdal)
Member (J)

/Ankit/