

(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.11/2001

New Delhi this the 14th day of September, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Smt. Suman Gulati,
W/o Shri R.L. Gulati,
L-1/24-A, DDA Flats,
Kalkaji,
New Delhi.

...Applicant

(By Advocate Shri B.S. Oberoi)

-Versus-

1. Union of India through
Secretary,
Ministry of Information
and Broadcasting,
Shastri Bhawan,
New Delhi.

2. Director General,
Doordarshan,
Mandi House,
New Delhi.

3. Director,
Delhi Doordarshan Kendra,
Akashwani Bhawan,
Parliament Street,
New Delhi.

...Respondents

(By Advocate Shri S.M. Arif)

O R D E R

By Mr. Shanker Raju, Member (J):

The applicant, who is working as a Casual General Assistant (for short CGA) with the respondents has sought accord of 20 assignments per month as done prior to order dated 19.12.2000, whereby assignments have been reduced to ten days and to further pay her fee as per the memorandum dated 18.1.2000.

2. Briefly stated, the applicant has been working as a CGA with the respondents since 1976. As she was not found fit on being over-aged she has not been brought in the eligibility list of CGA to be considered for

regularisation. But, till regular incumbents are appointed the applicant has been continued from time to time. It is the claim of the applicant that in pursuance of the decision in OA No.2393/89 the applicant has been accorded 30 days assignment and on introduction of five-day week the same has been reduced to 20 assignments. Though Rs.100/- per day were to be paid as fee, the same has been enhanced to Rs.220/- per day by memorandum dated 18.1.2000 and the grievance of the applicant is that despite this she has not been paid as per the enhanced rate of Rs.220/-. It is also stated that she made a representation and only after this the claim of the applicant has been rejected and the respondents have reduced her assignment from 20 to 10 days on fee of Rs.220/- per day. By drawing my attention to an order passed on 24.10.2000, it is stated that similar persons have been accorded 20 days assignment and the applicant has been discriminated. It is also stated that in the order passed no reasons have been accorded as to why the assignment has been reduced to 10 assignments in a month.

3. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondents stated that in 1992 a scheme was framed, which was modified in terms of the decision of the Apex Court, it has been decided that those who are eligible for regularisation should be put in the eligibility list and the rest are continued on contractual basis and were accorded only 10 days assignments per month. It is also stated that no CGA with the respondents is given 20 days assignment in a month and failure of the applicant to point out any CGA getting 20 days assignment there is no question of any discrimination.

(b)

4. As regards the order dated 24.10.2000 it is stated that they are those who are borne in the eligibility list waiting for their regularisation and as the applicant being over-aged has been deleted from the eligibility list CGAs and was not found eligible for regularisation being not similarly situated, she is not discriminated arbitrarily. It is stated that on her representation fee has been enhanced to Rs.220/- per day and assignment is reduced to 10 days, though the same has not been mentioned in the order passed on 19.12.2000, it is not an order rejecting the representation but an order issued on month to month, according assignments to CGAs. It is further stated that the applicant is not to be accorded a special treatment in comparison to all other casual artists who are given 10 days assignment in the month.

5. The applicant in her rejoinder reiterated her pleas taken in the OA.

6. Having regard to the rival contentions of the parties, the applicant is not entitled for accord of 20 assignments in a month and her assignments have been rightly reduced by the respondents to 10 days. However, the applicant is entitled for fee at the rate of Rs.220/- per day from the date of OM, i.e., 18.1.2000 till 19.12.2000 when the fee has been enhanced. The applicant undoubtedly worked for 20 assignments a month. During this intervening period and as per the memorandum dated 18.1.2000 she is entitled for accord of revised fee. The case of the applicant that the others have been accorded the similar treatment but she has been denied is not tenable as those are the persons who are found eligible and

(19)

included in the eligibility list, whereas the applicant who on account of her over-aged has been deleted from the eligibility list cannot claim parity with them. Two unequals cannot be treated equally and there is no hostile discrimination or violation of Articles 14 and 16 of the Constitution of India.

7. As regards the contention of the applicant that reasons for reducing the assignments have not been incorporated in the order passed on 19.12.2000 is concerned, the learned counsel of the respondents has shown to me the Scheme of 1994 wherein it has been specifically provided that 120 assignments are to be given for an year which comes to 10 assignments per month for a casual artist. Even if the reasons are not accorded in the order it would not vitiate the order as the reasons are in accordance with the scheme and as no other casual artist has been accorded 20 assignments and failure of the applicant to point out any case where similarly situated persons have been given 20 assignments her claim cannot be countenanced. She has been rightly accorded 10 days contract on the revised fee.

8. In this view of the matter while rejecting the prayer of the applicant for accord of 20 assignments per month, the respondents are directed to pay to the applicant the difference of the fee as per their memorandum dated 18.1.2000 till 19.12.2000 to the applicant, within a period of four weeks from the date of receipt of a copy of this order.

9. The present OA is disposed of accordingly, but without any order as to costs.

S. Raju

(Shanker Raju)
Member (J)

'San.'