Central Administrative Tribunal
Principal Bench: New Delhi

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OA No. 2873/97
OA No. 191/98
OA No. 215/98
OA No. 838/98
OA No. 391/98

New Delhi, this the 6th day of July, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)

In the matter of:

OA No. 2873/97

1. Ms Kanchan Kapoor
d/o Sh. S.K. Kapoor.
r/o 1/35. Geeta Colony.
Gandhi Nagar.
New Delhi.

2. Shri Naeem Ullah Khan.
s/o Shri Khalil Ullah Khan.
r/o 951. Telibara.
Mohalla Kishan Ganj.
Sadar Bazar. Delhi.

OA No. 191/98:

Mr. Iftikhar-uz-Zaman.
s/o Mr. Zia-ur-Rehman.
R/o F-21. Haji Colony.
Jamia Nagar.
New Delhi.

OA No. 215/98:

Bhagwati Prasad Verma.
s/o Shri Panna Lal
r/o C-6/35. Yamuna Vihar.
Delhi.

OA No. 838/98:

Komal Verma
d/o Late Sh. Suresh Chandra Verma.
r/o 1175. Gali Dharamshala Wali.
Mohalla Imli. Kucha Pati Ram.
Delhi.

...Applicants

(By Advocate: Shri S.Y. Khan)

Versus

6.7.98

Union of India thrugh

1. Secretary,
Ministry of Information & Broadcasting.
Shastri Bhawan,
Dr. Zakir Hussain Marg,
New Delhi.

2. Director Genera,
All India Radio,
Akashvani Bhawan.
New Delhi.

3. Station Director,
All India Radio
Broadcasting House,
New Delhi. ...Respondents

(By Advocate: Mrs P.K.Gupta alongwith Shri Harbir Singh)

OA No. 391/98:

Smt. Vijay Laxmi,
w/o Shri Shrikant Sharma.
r/o X-2485, Gali No. 9,
Raghuvir Pura-II, Gandhinagar,
Delhi. ...Applicants

(By Advocate: Shri S.Y. Khan)

Versus

Union of India thrugh

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
Dr. Zakir Hussain Marg,
New Delhi.

2. Director Genera,
All India Radio,
Akashvani Bhawan,
New Delhi.

3. Director General,
News Services Division,
All India Radio,
New Delhi.

4. Station Director,
All India Radio
Broadcasting House,
New Delhi. ...Respondents

(By Advocate: Mrs P.K.Gupta alongwith Shri Harbir Singh)

6.7.98.

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O R D E R

Hon'ble Shri T.N. Bhat.Member (J)-

As identical issues are involved in these OAs., the same are being taken up together and are disposed of by this common judgement at the admission stage itself, with the consent of the learned counsel for the parties.

2. A brief resume of the facts giving rise to these OAs would be in order.

3. The applicants in these OAs were admittedly engaged on casual basis as Transmission Executives/Production Assistants in All India Radio, New Delhi on different dates. They continued to be engaged on casual basis but were not regularised. According to the Policy adopted by the respondents these casual Transmission Executives/Production Assistants were usually engaged for ten days in a month.

4. Some of the applicants in these OAs alongwith others approached this Tribunal by filing OA No. 822/91 titled Sh. Surai Singh & Ors. Vs. Union of India & Ors. seeking regularisation of their services. The said OA was disposed of with a direction that the respondents shall frame a Scheme for regularisation of such casual employees. When the respondents did not frame a Scheme within the stipulated time granted by the Tribunal the petitioners in that O.A. filed a Contempt Petition and also some MAs. The respondents in the meantime framed a Scheme and produced the same before the

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Tribunal which approved the same and disposed of the Contempt Petition and the various MAs filed in the case. A direction was also given to the respondents to regularise the eligible casual workers against the available vacancies within three months after finalisation of the Scheme.

5. Some steps were taken by the respondents towards regularisation of the casual employees and communications were addressed to them to state in writing whether they were willing to be considered for regularisation and also requiring them to furnish the necessary documents. It is not disputed that all the applicants gave their willingness and also furnished documents showing the number of days put in by them on casual basis.

6. Initially, the respondents prepared a list of casual employees who had put in more than the requisite number of days (72 days in all) and who were accordingly eligible for being considered for regularisation. But by the impugned orders/letters issued to the applicants on 10.1.1997 the respondents have informed the applicants separately that they have not been found eligible for regularisation under the Scheme approved by this Tribunal vide the Tribunal's order dated 24.5.1995 in MA Nos. 623 and 624 of 1995 in OA No. 822/91 filed by Shri Suresh Sharma and others. However, apart from reproducing paras 2. 4 and 6 of the aforesaid Scheme the respondents did not give any other reason for holding the applicants ineligible for regularisation. All that was stated in the impugned

letters was that the condition of minimum engagement for a period of 72 days in a year, as provided in the Scheme, is not satisfied in the cases of the applicants. It is this particular ground for rejection of the applicants' cases that is vehemently disputed by the respective applicants, as according to them all of them have put in more than 72 days in a calendar year and had thus fulfilled this condition mentioned in the Scheme.

7. It is no longer disputed that each of the applicants in these OAs had been engaged for a total period of 72 days in a calendar year. But what is contended by the respondents is that the applicants have been engaged in different stations of All India Radio though located in Delhi, such as News Services Division. Commercial Broadcasting Service and the External Services Division (General Overseas Service). According to the respondents those were separate stations of All India Radio and the mere fact that these divisions/services were located at Delhi would not make them a part and parcel of the All India Radio Station, Delhi. It needs to be mentioned here that according to para 4 of the Scheme the persons who are in the eligibility panel of one station will have no right to claim regularisation as Production Assistants Group 'C' post in another station and the selection would be made station-wise.

8. Thus, the controversy in these OAs revolves round the short question as to whether the applicants in these OAs can be held to have been engaged in one station of All India Radio so as to claim regularisation under the Scheme. While on the one hand

the learned counsel for the applicants has vehemently argued that the Commercial Broadcasting Service and other Services/Divisions mentioned above are the different offices/divisions under the Delhi Station of All India Radio, the learned counsel for the respondents on the other hand insists that the said services/divisions are different stations..

9. On consideration of the rival contentions, I find myself in agreement with the applicants' counsel, as there is nothing on the file to indicate that the Divisions/Services such as Commercial Broadcasting Service, General Overseas Services, etc. are separate stations and not merely offices or Divisions of Delhi Station of All India Radio. On the contrary, there is sufficient material on record to show that the aforesaid Services/Divisions are a part of the all India Radio, Delhi Station. Apart from two letters of engagement produced by the respective applicants having been issued by the Director of All India Radio, Delhi, on behalf of the President of India, I also find on record some letters to the effect that the aforesaid services/divisions are not at all separate stations. We may, in this regard, refer to the Memorandum dated 10.6.1980 issued by the Director General of All India Radio (Annexure R-I) annexed to the rejoinder filed by the applicant in OA 391/98. In this Memorandum, which relates to "discontinuance of casual bookings against Staff Artists posts", a specific mention has been made of the words "station/offices" in the instructions contained in this Memorandum issued to the External Services Division as also to the News Services Division. It is

further specifically stated that wherever two or more "offices" of All India Radio are situated at the same place the limitation of 6 assignments to an individual in a month will have to take into account the engagements of a person in all the 'offices' of All India Radio. I notice that a copy of this Memorandum has also been filed by the respondents as an Annexure to their counter.

10. Similarly, in the Memorandum dated 10.9.1996, as at Annexure R-IX, in the last para, a mention has been made of All India Radio "stations/offices".

11. I am convinced, on the basis of the pleadings of the parties and the documents on record, that News Services Division, External Service Division and Commercial Broadcasting Service and such other organisations located in Delhi are parts and parcels of the Delhi station of All India Radio and are mere offices or divisions of that station. The working of these divisions/offices is controlled by the Station Director of All India Radio. Therefore, the mere fact that these divisions/offices have separate heads of offices, as contended by the respondents in para 5(c) of their counter, would not make them independent stations of All India Radio.

12. It clearly appears that after having considered the applicants in these OAs to be eligible for consideration of their cases for regularisation, as is apparent from the list of casual Production Assistants having minimum 72 days of bookings prepared by the Senior

Administrative Officer, All India Radio, New Delhi, as at annexure A-VIII, the respondents had second thoughts later and with a view to deny to the applicants the benefit of regularisation the respondents wrongly held the applicants ineligible.

13. In view of the facts and circumstances discussed above, all these OAs deserve to be allowed.

14. In the result, I allow these OAs, quash the impugned letter/order dated 10.1.1997 informing the applicants in these OAs that they have not been found eligible for regularisation under the Scheme approved by the Tribunal and direct the respondents to consider the cases of all these applicants for regularisation on the assumption that they have been engaged for more than 72 days in a calendar year at one station of All India Radio. The decision in the matter shall be taken by the respondents and communicated to the applicants within two months from the date of receipt of a copy of this order.

15. In the facts and circumstances of the case, I leave the parties to bear their own costs.

(T.N. Bhat)
Member (J)

Attested
6/7/98
CO/C-III

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