

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 822/91 .. Date of decision: 18-09-92.  
Sh. Suresh Sharma & Ors .. Applicants  
Sh. T.C. Aggarwal .. Counsel for the applicants  
Versus  
U.D.I. & Ors .. Respondents  
Sh. K.C. Mittal .. Counsel for the respondents.

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Hon'ble Sh. P.K. Kartha, Vice Chairman (J)  
Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporters or not ? *Yes*

J U D G E M E N T

(Of the Bench delivered by Hon'ble Sh. B.N.  
Dhoundiyal, Member (A))

This OA has been filed by 15 applicants, who are working as Production Assistants or General Assistants on casual/assignment basis, with the All India Railo for a number of years, praying that directions be issued to the respondents to treat them as working on regular basis and to take measures to absorb them, waiving the conditions of age limit.

2. According to the applicants, right from the year 1971-72, the Director General, All India Railo, have been availing the services of personnel like Production Assistant and General Assistant on casual basis. Initially, *Div.*

a contract to work for 14 days at a time was given after a break of one or two days. Instead of employing the same sets of earlier appointed casual employees, the respondents resorted to fresh recruitments, which often resulted in reducing the period of service of these casual employees to 140-150 days in a year. After the year 1980-81, the respondents started issuing contract letters showing lesser number of days of employment than that actually worked for, by the casual employee. On this basis, only 14 days work was shown to have been given to the applicants in a month. By Office Order dated 3.8.89, it was provided that the assignment of the casual employee should not exceed 72 days per year. Thus, while a casual employee remained idle after having worked for six days in a month, freshers were recruited in his place. In 1978, a few of the casual workers were absorbed in regular vacancies but the same facilities were not given to other applicants. In the year 1987, the nomenclature of Production Assistant, Duty Officer and Sub-Editor was changed into that of Transmission Executive. Even after serving for the last several years, there is no job security for the applicants. They are made to

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work for long hours and more days than shown in the contract. There are long delays in payment of their dues and they are totally at the mercy of the respondents for their livelihood. The employees have been submitting a number of representations to the respondents, but to no avail. They have prayed that the benefits of the Judgement of the Tribunal in DA Nos. 563/86, 977/86 and 2514/89 dated October 05, 1990 may be extended to them.

3. The respondents have stated that as far as possible, adequate staff is made available for the smooth functioning of All India Radio and Doordarshan. As and when any additional/new programme is started, proportionally staff is also sanctioned. Casual engagement is only made on the  
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assignment basis for coverage of the special events. These programmes are not of a routine nature and it is not feasible to keep a regular staff, which will involve heavy expenditure. This practice of keeping casual staff on assignment basis is followed by the broadcasting organisations all over the world. A scheme for absorption of the casual artists was introduced on the one time basis in 1980 with the following conditions.

- i) Long term casual Artists who put 365 days during a block of 3 financial years 1974-77, 1975-78, 1976-79 and 1977-1980.
- ii) The casual artists booked for 200 days in any financial year during 1974-1980.
- iii) The casual artists who fulfil the conditions prescribed but are engaged against a post of Staff Artist comparable at least to Group 'B' Gazetted civil post and or to be recruited from staff artists of lower grade by limited selection, will not be regularised straightway they will be eligible for consideration alongwith other Staff Artist on merit.
- iv) The regularisation or consideration of casual artists would be subject to clear vacancy of the post being available.

4. It was also decided to discontinue engaging casual artists from 10.6.80 except in case of a threat of break-down of service.

It was then that assignment basis was adopted and engagement of casual assignee was to be made from panels prepared after inviting applications through Employment News<sup>and</sup> Akashwani Journals<sup>bw</sup>

It was also provided that there will be no booking on assignment against<sup>bw</sup> basis / the post of Production Assistant. At present, the

vacancies in the category of Transmission Executive are being  
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filled up through Staff Selection Commission. Even then once in a while, it become necessary for engaging Production Assistants on assignment basis, such persons do some other work during the period they are not engaged. These applicants can get regular appointment only in accordance with the Rules and only after selection through the Staff Selection Commission.

5. On 27.11.91, an interim order was passed directing the respondents to continue to engage the applicants in service for 10 days in a month as casual artists. It has been extended from time to time till date.

6. We have gone through the records of the case and heard the learned counsel for both parties. Three colleagues of the applicants vide OA Nos. 563, 977/86 and 2514/89 earlier approached this Tribunal. Referring to a judgement of the Supreme Court in respect of casual/ adhoc workers, the Tribunal disposed of these applications by Judgement dated 5.10.90, wherein directions were issued to the respondents to frame a rational scheme for regularisation of daily rated casual workers in regular cadres and laying down the terms and conditions for

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engagement of daily-rated casual employees in view of the absorption in the due course. No recruitment was to be made till such a scheme was submitted or accepted by the Court.

7. Disposing of another batch of applications by judgement dated 8.2.91, a Bench of this Tribunal in which one of us (Sh. P.K. Kartha) was a party, expressed the view that non regularisation of the casual artists of Doordarshan over the decade from 1980 when a scheme evolved by them was discontinued, militates against the law laid down by the Supreme Court in this respect. Directions were issued to the respondents to frame a scheme for absorption of casual artists who have worked for a period of one year or more (Vide OA Nos. 894/90, 2322/90 and 1775/90).

8. A draft scheme prepared by the Director General, Doordarshan as per the above directions was submitted to this Tribunal in OA Nos. 563/86, 977/86 and 2514/89, which was considered in the judgement dated 14.2.92.

The following orders were issued :-

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"We would direct the respondents to recast and finalise the scheme within a period of 3 months of the date of receipt of a copy of this order on the lines of observations made from para-9 onwards. The regularisation of eligible casual workers in available vacancies should be done within 3 months thereafter i.e. within 6 months in total from the date of receipt of a copy of the order. "

9. We respectfully reiterate the same view.

Accordingly, the present application together with the MPs filed thereunder are disposed of with the direction to the respondents that the case of the applicants should also be considered in accordance

with the scheme to be formulated and implemented by the respondents

/ for regularisation of all the casual workers within the time limit stipulated in the above mentioned judgement dated 14.2.92.

9. There will be no order as to costs.

*B.N. Dhoundiyal*  
( B.N. Dhoundiyal ) 18/5/92

Member (A)

*P.K. Kartha*  
( P.K. Kartha ) 18/5/92

Vice Chairman(J)