

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH
ALLAHABAD**

1. ORIGINAL APPLICATION NO. 579 of 1997

ALLAHABAD THIS THE 09TH DAY OF APRIL, 2009.

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J)
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

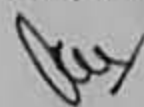
1. Murlidhar Prasad Singh A/a 27 years, Son of late Sureshwar Prasad Singh R/o C-9, Radio Colony, Auckland Road, Allahabad, presently working as Announcer Grade-IV, All India Radio, Allahabad.
2. Hari Malviya S/o late Devi Prasad Malviya, Resident of 29/83-B, Silkhana Teliarganj, Allahabad, posted as Announcer Grade- II, All India Radio, Allahabad.
3. Mrs. Ari-daman Sharma W/o Shri Bipin Sharma, resident of 10- Malviya Road, Georgetown, Allahabad posted as Announcer Grade II, All India Radio, Allahabad.
4. Gauri Shanker Sinha son of Shri P.N Sinha, Resident of 48/14-A, Meyo Road, Cashkunj, Allahabad posted as Announcer, Grade III All India Radio, Allahabad.
5. Dr. Smt. Shailja Singh W/o Shri M.P. Singh, Resident of C-9, Radio Colony Auckland Road, Allahabad, posted as Announcer Grade-IV, All India Radio, Allahabad.
6. K.N Singh, son of late Harihar Prasad Singh, Resident of 135- HIG, Pritamnagar, Sulemsarai, Allahabad, posted as Announcer Grade III, All India Radio, Allahabad.
7. Akashvani Announcers Association, registered Office at 47-C, East Noida Street Tiravan Miyur through its Allahabad Unit through its Unit Secretary Shri A.C Srivastava.

....Applicants.

By Advocate: Shri Manoj Kumar Singh

Versus

1. Union of India through the Secretary, Ministry of Information and Broad-Casting, New Delhi.
2. The Director General, All India Radio, Akashvani Bhawan, New Delhi.
3. The Station Director, All India Radio, Allahabad.



....Respondents.

By Advocate : Shri P. Mathur

ALONGWITH

2. ORIGINAL APPLICATION NO. 798 OF 1999.

1. Dr. Smt. Shailja Singh W/o Shri N.P. Singh, presently posted as Announcer Grade- IV All India Radio, Allahabad Resident of C-9, Radio Colony, Auckland Road, Allahabad.
2. J.P.S. Marwaha son of Shri R.S. Marwaha presently working as Announcer Grade-III, All India Radio, Allahabad.
3. Smt. Usha Marwaha W/o Shri J.P.S Marwaha presently working as Announcer Grade III, All India Radio, Allahabad, Resident of 14/2A Drummond Road, Allahabad.
4. Smt. Madhu Kumar W/o Harshit Kumar, presently working as Announcer Grade-IV, All India Radio, Allahabad Resident of 62-Jwahr Lal Nehru Road, Allahabad.
5. Smt. Shahista Naz C/o Sri Zahid Fakhri, presently working as Announcer Grade-IV, All India Radio, Allahabad Resident of 198- Dara Shah Ajmal, Allahabad.
6. Murlidhar Prasad Singh, A/a 29 years, son of Late Sureshwar Prasad Singh presently working as Announcer Grade- IV, All India Radio, Allahabad, Resident of C/9 Radio Colony, Auckland Road, Allahabad.
7. Hari Krishna Malviya S/o Late Devi Pd. Malviya, presently working as Announcer Grade-II, All India Radio, Allahabad Resident of 29/83-B Silkhana Teliarganj, Allahabad.
8. Mrs. Ari Daman Sharma W/o Shri Bipin Sharma presently working as Announcer Grade-II, All India Radio, Allahabad, Resident of 10- Malviya Road, Georgetown, Allahabad.
9. K.N Singh son of late Harihar Pd. Singh, resident of 135 MIG Pritamnagar, Sulemsarai, Allahabad, presently working as Announcer Grade-III, All India Radio, Allahabad.

.....Applicants

By Advocate : Shri A.K. Pandey/Shri Manoj Kumar.

Versus



1. Union of India through the Secretary, Ministry of Information and Broad-Casting, New Delhi.
2. The Director General, All India Radio, Akashvani Bhawan, New Delhi.
3. The Station Director, All India Radio, Allahabad.
4. Union of India through the Secretary, Ministry of Finance, New Delhi.
5. Union of India through the Secretary Ministry of Personnel Public Grievances and Pension, New Delhi.

....Respondents.

By Advocate : Shri P. Mathur

ORDER

Delivered by Hon'ble Mr. Justice A.K. Yog, J.M.

Heard Shri Manoj Kumar, Advocate representing the applicant and Shri Prashant Mathur, Advocate appearing on behalf of the Respondents. Perused the pleadings on record.

2. Learned counsel for the applicant stated that in view of development subsequent to the filing of the O.A., amendment may be required. If that be so, we are of the opinion that procedural hassles involved in allowing amendment will have adverse impact for delivery of justice. It may be noted that during the pendency of O.A. applicants NO. 2, 3 and 6 have retired whereas applicant NO. 4 has expired. In view of it, only two applicants in said O.A. No. 579/97 survives.

3. Applicants claiming to be member of Akashwani Association/Respondent No. 6,-inter-alia amongst other contend they were engaged as Announcer- (on contract basis) during 1965-1987; detail of their Bio-data is given in Annexure A-1 to the O.A; staff of all India Radio is in two categories-namely 'non-performing' and 'performing' staff-artist; several Artists were employed on monthly/yearly- subsequently extended even upto 5

Dr.

years; regular technical and administrative staff is also engaged on different terms and conditions; being aggrieved number of All India Radio staff agitated for redressal of their grievance/s- particularly arbitrary treatment to the applicants whereby they were not treated as Govt. employee; matter went up to the Apex Court in Civil Appeal No. 384/1977, U.O.I. Vs. M.A. Chawdhary and others. Apex Court has finally decided the issue holding that employees (like the Applicants) 'Government employee etc.

4. Applicant's main grievance is that they were deprived of Career Advancement Scheme and future avenues of promotion by treating them isolation vis-a vis other regular staff and other pleas.

5. Perusal of para 6 to 10, and supplementary affidavit II (sworn by P.P. Shukla) and other material on record to show that decision of a Bench of C.A.T. other than Allahabad (Bench) has come in existence has been rendered on this subject apart from the fact that All India Radio has been issued fresh 'notification' in this matter apart from commencement of Indian Broadcast (P) Service Rules, as a consequence whereof there has been drastic change in the 'feeder cadre of Programme Executive' etc. Much water has flown down the stream-during last one decade and the situation (which prevailed in the year 1997- 1999 when above two O.A were filed no more exists.

6. Taking into account entirety of the present situation and adopting a practical-approach- instead of allowing the Applicants to amend O.A. (which shall further delay disposal of OA). We direct the applicants to file a parawise comprehensive representation within 2 months from today along with a certified copy of this order before respondent NO. 2/The Director General,

Dr,

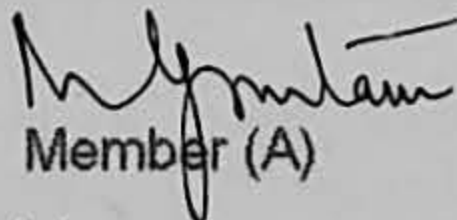
All India Radio, Akashvani Bhawan, New Delhi and said authority (Respondent No. 2) shall provide representation (referred to above) is filed within the time stipulated/contemplated above in this order, decide said representation within 3 months from the date of receipt of said representation by passing a reasoned/speaking order in accordance with law. It is made clear that applicants in the above-noted O.As and all other similarly situated incumbent in All India Radio shall be free to submit their claim individually/collectively (preferably through their Association- if any) within aforesaid period (of 2 months). We further permit Respondents-Authority to offer adequate/reasonable opportunity to the concerned to place their grievance so that matter is considered/decided finally-at Departmental stage.

7. This order is passed to ensure that all similarly situated persons need be compelled to rush to this Court for similar relief. Both O.As are finally disposed of (as agreed by learned counsel for the parties) subject to above direction..


8. Registry is directed to place a copy of the Order in the connected O.A (as per Rules).

9. Both O.As stand finally disposed of subject to above directions/observations.

10. There shall be no order as to costs.


Member (A)

Manish/-


Member (J)