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CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No.282 of 1996

Cuttack this the 26th day of April, 1996

Subash Chandra Nayak & Another ... Applicants

Versus

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No
2. Whether it be circulated to all the Benches of No. the Central Administrative Tribunal or not ? No.

Narayan Sahu,
(N. SAHU)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 282 of 1996

Cuttack this the 26th day of April, 1996

C O R A M:

THE HONOURABLE MR.N. SAHU, MEMBER (ADMINISTRATIVE)

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1. Subash Chandra Nayak, aged about 48 years, S/o.Late Jagannath Nayak resident of Qr. No.6/11, AIR Staff Quarters, Cantonment Road, Cuttack, working as Announcer, Commercial Broadcasting Service, All India Radio, Cuttack
2. Basanta Kumar Mohanty, aged about 39 years, S/o.Late Baishnaba Charan Mohanty, resident of Shelter Square, Tulsipur, Cuttack, working as Announcer, All India Radio, Cuttack

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Applicants

By the Advocate:

M/s. S.K. Dash
S.K. Mishra
B.N. Mohapatra
B.Mohapatra
S.K. Dash

Versus

1. Union of India
represented by Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi
2. Director General,
All India Radio
Akash Vani Bhawan,
New Delhi
3. Director (A & F)-1
Directorate General,
All India Radio
Akash Vani Bhawan
New Delhi
4. Station Director,
All India Radio
Cuttack
5. Station Director,
Commercial Broad Casting Service
All India Radio, Cuttack

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Respondents

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By the Advocate:

Shri U.B.Mohapatra
Additional Standing
Counsel(Central)

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ORDER PRONOUNCED IN THE OPEN COURT

MR.N. SAHU, MEMBER (ADMN) : Heard Shri S.K. Dash, learned counsel for the petitioner and Shri U.B.Mohapatra, learned Additional Standing Counsel(Central) for the Respondents. The prayer in this Original Application is to quash the Office Memorandum dated 29th March, 1996, under Annexure-4. Annexure-4 states that "all essential staff at AIR Stations which has not been declared as shift duty staff but are actually deployed on duty in shifts may not be extended the benefit of 5 - day week". It is also prayed that the respondents be directed to declare the applicants as shift duty staff and to extend all the consequential benefits to them within a time-limit to be fixed by this Tribunal. The interim prayer is to direct the stay of operation of Annexure - 4 till the disposal of this Original Application or till the notification declaring the applicants as shift duty staff. A show-cause notice has been filed by the Additional Standing Counsel Shri U.B. Mohapatra against the interim prayer.

2. I have heard both the learned counsel. The matter involved is pretty simple. The interim prayer and the main ^{appropriate} prayer are one and the same. It is considered after hearing the counsel for both sides to dispose of the Original Application as under :

3. Under Annexure-1 dated 31.8.1995, the Ministry informed that the Announcers in AIR are going to be declared

as shift duty staff on the analogy of Door Darsan. In the counter-affidavit filed to the interim-prayer at page 2 in para 5, this decision has been reaffirmed. The question at issue is : when the notification will be issued ? Since a decision has been arrived at as early as 31.8.1995, or even before, there is no point in delaying the notification. After hearing the counsels, I direct that the notification shall be issued declaring the Announcers of AIR as shift duty staff and extend all the benefits to them on the analogy of other eligible shift duty staff within six weeks from the date of receipt of this order. Since a decision has admittedly been taken in this behalf and the notification only would formalise such a decision, the Announcers shall continue to enjoy the status and consequential benefits of shift duty staff from this day, i.e. 26th day of April, 1996.

4. As the matter is short and simple and as present counter filed on the interim prayer covers all the basic points, no useful purpose will be served by waiting for a regular counter to the Original Application. Thus the Original Application is disposed of as per para 3 above. No costs.

Narayan Singh, M.
(N. SAHU)
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//