

18
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.513 of 2012
M.A.No.1015 of 2012

Order reserved on:11.12.2012

Order pronounced on:13.12.2012

CORAM

HON'BLE DR.RAMESH CHANDRA PANDA, MEMBER (A)
HON'BLE MR.A.K.PATNAIK, MEMBER (J)

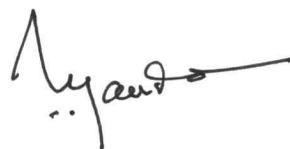
Smt. Susamarani Sahoo,
W/o. Shri Chitta Ranjan Sahu,
Thoriasahi,
PO-Buxibazar,
PS-Mangalabagh,
Dist.Cuttack.

.....Applicant

(By the Advocate :Mr.B.Dash)

-Versus-

1. Union of India represented through
Secretary,
Ministry of Information and Broadcasting Corporation,
Sastry Bhawan,
New Delhi.
2. Director General,
All India Radio,
Akashvani Bhawan,
Sansad Marg,
New Delhi.
3. Chief Executive,
Prasar Bharati Broadcasting Corporation of India,
Mandi House,
Copernicus Marg,
New Delhi.



- 19
4. Station Director,
All India Radio,
Cuttack.

.....Respondents

(By the Advocate: Mr.U.B.Mohapatra & Ms.S.Mohapatra)

O R D E R

Dr. Ramesh Chandra Panda, Member (A):

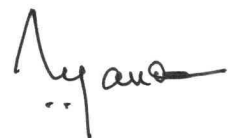
Smt. Susamarani Sahoo, the Applicant herein, a Casual Announcer in All India Radio (AIR) is aggrieved by the order dated 04/23.04.2012 (**Annexure-A/8**) passed by the Station Director of All India Radio, Cuttack seeking the Applicant to come to the All India Radio studios for a Microphone voice test on 22.05.2012 at 2 PM. Thus, assailing the above letter, she has moved the present OA with prayers to quash the letter at Annexure-A/8 and to direct/ command the Respondents to continue the Applicant as a casual announcer in the All India Radio Programmes.

2. We have heard Mr. Bimbisar Dash, Learned Counsel appearing for the Applicant and Mr.U.B Mohapatra & Ms.Mohapatra, Learned Senior Standing Counsel appearing for the Respondents.

3. The brief facts of this case as relevant for adjudicating the issues raised by the Applicant in the OA would manifest that the Applicant after facing the rigors of the selection process like written and audition tests was empanelled as a Casual Compere in the All India



Radio, Cuttack vide letter dated 10-07-1996 (**Annexure-A/1**). She received appropriate practical training and the Respondents were satisfied with the performance of the Applicant as a result of which she used to get regularly six programmes in a month. She also successfully completed the workshop from 21st to 25th August, 2000 conducted by the Population Communications International –details of which are available at **Annexure-A/2**. While doing the work of comparer, she submitted an application for consideration of her case to be engaged as a Casual Announcer and the Programme Executive (Co) for the Station Director, All India Radio, Cuttack directed her to face an audition test on 12.01.2003 in the Studio of All India Radio, Cuttack which she did appear and was finally selected for the Casual Announcer in the All India Radio. It is the case of the Applicant that she has been rendering her duty to the best satisfaction of all concerned and has also undergone the necessary training as required by the All India Radio. She also attended a training programme from 3rd to 5th March, 2003. After completion of three years as Casual Announcer and Comperers, she had requested for consideration of her case for Drama audition test. She faced the Drama audition test and was selected for the same and placed in Grade-B. A copy of such letter dated 05/06.10.2006 is at Annexure-A/6. She had also attended the Vani Certificate Course from 6th to 10th August, 2007. It is stated that some of the Casual Announcers and

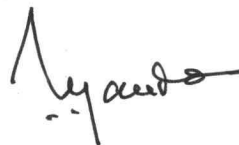


Compeers had approached this Tribunal in **OA No. 144 of 2010** praying for a direction to regularize them as against regular vacancies and interim relief prayed for in the said OA having been rejected, they approached the Hon'ble High Court of Orissa in **WP (C) No.14173 of 2010** which was disposed of on 07.03.2011 with direction to the Respondents that casual engagement should be made on 50:50 basis if posts are available among the empanelled casual employees and retired employees and then directed this Tribunal to dispose of the OA. Identically placed many such casual announcers and comparers approached the Principal Bench of the Tribunal in **OA No. 822 of 1991** which was disposed of on 08.09.1992 directing the Respondents to consider the cases of the Applicants in the said OA for regularization and eventual absorption against the regular vacancy in due course in terms of the scheme formulated for regularization of casual Production Assistants and General Assistants in the All India Radio against which order of the Tribunal, Respondents moved the Hon'ble High Court of Delhi which was dismissed. The Union of India thereafter moved the Hon'ble Apex Court in **Civil Appeal No.863 of 206 and 756 of 2008** and the Hon'ble Apex Court in its order dated 09.03.2011 set aside the orders passed by both the Tribunal and Hon'ble High Court of Delhi and restored the OA filed by the Casual employees for hearing on merits. Further some of such Casual Comperers and Announcers filed **OA No.**

By order

346 of 2011 for regularization. The Tribunal directed to ventilate their grievance before the concerned authority first and the authorities were directed to dispose of the representation with a proper reasoned order. Since the applicant has been rendering the duties of Casual comperer and Announcer successfully for the last more than 15 years and the prayer for regularization having been turned down, she along with similarly situated casual hands approached this Tribunal in **OA No.532 of 2011** which is still pending disposal. It is, therefore, stated that in the above back ground the Respondents have asked the Applicant to appear for fresh microphone voice test on 22.05.2012 for assessment of her suitability in live announcement/compering which is not justified.

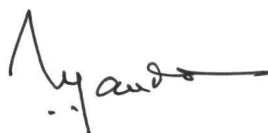
4. Mr.B.Dash, Learned Counsel appearing for the Applicant, narrating the above background of the case submitted that the applicant had already qualified in the audition test and declared suitable for live announcement programme for which she was no more required to face any test to prove her suitability. After a due selection, further review or fresh audition would provide an opportunity for the Respondents to eliminate the applicant which is mala fide and is not sustainable. It has further been contended by Mr.Dash that even after 23.04.2012 the applicant has been conducting announcement of live programmes which would prove that Respondents were well satisfied about the quality and the manner of announcements made by the Applicant. In view of the



above, Learned Counsel for the Applicant would urge that the OA should be allowed and the Respondents should be directed to continue the applicant to be a casual Announcer/Comperer without further test to be undertaken for her.

5. On receipt of notice from the Tribunal, Respondents have filed their counter/reply affidavit. Mr. Mohapatra, Learned Senior Standing Counsel appearing for the Respondents submitted that the last test of the applicant was conducted in the year 2003 for Casual Announcer. But the present test is to review the performance of the applicant as casual Announcer/Comperer on contractual assignment basis and is not a fresh audition test. The applicant's past performance and the present status of voice is to be reviewed in order to find out whether she is fit to continue in the position. He drew our attention to Annexure-R/1 and R/2 to say that it is a policy decision taken by Prasar Bharati and more specifically by the All India Radio to review the performance of existing casual Announcers, FM Presenters and Comperers of special audience programmes. The Applicant's performance review is as per the policy guidelines applicable across the board and there being no exception, the applicant should be directed to undergo/ undertake the voice test as per letter dated 4/23.4.2012.

6. Having heard the contentions of the rival parties, with the assistance of their counsel, we have perused the pleadings. The short



24

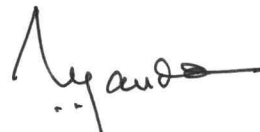
-7-

controversy for our consideration and determination is whether the letter dated 4/23.4.2012 issued to the Applicant is legally sustainable or not?.

7. Admittedly, the Applicant had undertaken various tests and training to be equipped for becoming proper Announcer/Comperer on casual basis. It is also admitted fact that she is not a regular employee of the All India Radio. As a matter of policy/principle, the Respondents vide letter dated 19.1.2012 have decided to review the performance of casual Announcers/Comperers and this is across the country for all stations of All India Radio. This guidelines has been issued in the background of the fact that All India Radio Stations were not reviewing the performance of casual Announcers, FM presenters and comperers of Special Audience Programmes for quite sometime. Therefore, Prasar Bharati Broadcasting Corporation of India directed Programme Heads of the AIR Stations to annually review the performance of all casual announcers. The applicant being one of such casual announcer was issued with the letter which reads as follows:

“We shall be glad if you will come to our studios for a Microphone voice test on 22.05.2012 at 2 PM. Such a test is necessary for assessment of your suitability in live announcement/comparing. Owing to the fact that All India Radio holds a large number of such tests, you will understand that it is not possible for this service to make any payment for traveling or other incidental expenses in this connection.”

8. The above letter directs the applicant to appear for microphone voice test and this would be necessary as per the policy

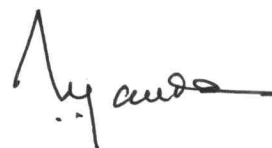


25

- 8 -

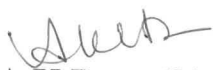
decision of the Prasar Bharati Headquarters dated 19.01.2012, may be it is meant to see the present status of voice of all the casual announcers/comperes. Therefore, we do not find any illegality in issuing the said letter to the applicant to appear at the microphone test. It is learnt during hearing that such test was conducted on 22.5.2012 and the test having been completed the question arose whether the applicant should be put to a fresh test?. We were informed that the Respondents would abide by the direction to hold a voice test as per the impugned letter. Hence, we are of the considered opinion that for the purpose of review of performance of casual announcers the applicant having not attended the test on 22.5.2012 she is at liberty to attend the test to be conducted exclusively for her by the competent authority in near future. We direct the Respondents to fix a date after the period of fifteen days from today informing the applicant 15 days in advance to appear at the microphone voice test and if she is found suitable she may continue further as casual announcer/comperer.


9. Looking into the totality of facts and circumstances of the case and taking note of the general policy decision for annual review of the performance of the casual announcers/comperers, we find no ground to interfere in such policy decision of the All India Radio. In the result, the Applicant is not in a position to convince us for issuing any direction to the Respondents other than what has been given above.



26 -9-

10. Resultantly, in terms of our above orders and direction to the Applicant and Respondents this OA is disposed of. There shall be no order as to costs.


(A.K. Patnaik)
Member (Judl.)


(Dr. Ramesh Chandra Panda)
Member (Admn.)

