

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. No.260/00213 OF 2014

Cuttack the 22<sup>nd</sup> day of April, 2014

CORAM

**HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER**

**HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER**

Nibedita Mishra,  
aged about 40 years,  
D/o- Pravat Kumar Mishra,  
At-Tarachand Patna,  
Dal Mill Lane, Pithapur,  
Cuttack.

...Applicant

(Advocates: M/s- M.K. Khuntia, A.K. Apat, G.R. Sethi, J.K. Digal, B.K. Pattnaik)

**VERSUS**

Union of India represented through

1. Secretaru.  
Ministry of Information and  
Broad casting Corporation,  
Sastri 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.
4. Station Director,  
All India Radio, Cuttack.

... Respondents

( Advocate: Mr. D.K. Behera )



ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Copy of this OA has been served on Sri D.K. Behera, Ld. Addl. CGSC appearing on behalf of all the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. Heard Sri G.R.Sethi, Ld. Counsel appearing for the applicants and Sri D.K. Behera, Ld. Addl. CGSC appearing for the Respondents.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to conduct review audition test in respect of applicant in accordance with order dated 9.4.13 (Annexure-A/6) and to regularize the services of the applicant as announcer with all consequential and monetary benefits.

4. The short factual matrix of the case is that the applicant was selected as casual announcer in the year 2003 and empanelled to be engaged as casual announcer in AIR, Cuttack. While continuing as such the Respondent- Department vide letter dated 23.04.12 asked the applicant for a microphonic voice test on 22.05.12. But the applicant could not appear for voice test on the said date. Thereafter the applicant was assured by the Respondent-Department for review audition but to no effect. Since then, the applicant has been filing representations. Thereafter, Respondent No.2 took a lenient view by giving one last opportunity to reappear before the screening committee for audition. Accordingly vide order dated 09.04.13



Station Directors/Programme heads were instructed to constitute a new screening committee. In pursuance to order dated 09.04.2013 though action was to be taken by the Respondent No.4 to review the performance of casual announcer/comparer/Anchor/FM presenter but no action was taken at his end. Thereafter, Respondent No.2 vide his letter dated 05.02.14 directed Respondent No.4 for taking necessary action for conducting review audition for empanelment of casual announcer/comparer of AIR, Cuttack. In response to this Respondent No.4 without conducting a review audition test in respect of casual announcer/comparer/Anchor took steps for empanelment of freshers by conducting written test and audition test by giving a go bye to the rights of existing casuals.

5. Mr. D.K. Behera, Ld. Addl. CGSC appearing for the Respondents, submitted that since the very engagement of the applicant was on casual basis, the applicant has no locus standi to maintain the O.A. before this Tribunal.

6. On the question of maintainability, Mr. Sethi drew our attention to the provision contained under Section 14 of the Administrative Tribunals Act, 1985 and has stated that prayer in this O.A. is very much maintainable before this Tribunal.

7. We have gone through the pleadings and perused the provision of Section 14 of the Administrative Tribunals Act, 1985. Section 14 of the AT Act which reads as under:

**“14. Jurisdiction, powers and authority of the Central Administrative Tribunal.-** (1) Save as otherwise expressly provided in the Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately



before that day by all Courts [except the Supreme Court ( ) ] in relation to –

(a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning –

(i) a member of any All India Service; or

(ii) a person [ not being a member of an All India Service or a person referred to in Clause (c ) ] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [ not being a member of an All India Service or a person referred to in Clause (c ) ] appointed to any defence services or a post connected with defence; and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [ or Society ] owned or controlled by the Government;

(c ) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of Clause (b), being a person whose services have been placed by a State Government or any local or other authority or any Corporation [ or Society ] or other body, at the disposal of the Central Government for such appointment.

8. In the instant case we find that the applicant was not a holder of civil post nor the advertisement was for regular appointment to a civil post. The very appointment of the applicant was on casual basis. Therefore, the provision relied on by Mr. Sethi is <sup>hardly</sup> ~~highly~~ of any help to him. After going through the averments and the provision vis-à-vis the case of the

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applicant, we find that since the very notification for appointment was on casual basis, in our considered view, this Tribunal lacks jurisdiction to entertain this <sup>O.A.</sup> ~~Tribunal~~. Accordingly, this O.A. is dismissed being not maintainable before this forum. There shall be no order as to costs.



(R.C.MISRA)  
MEMBER (Admn.)



(A.K.PATNAIK)  
MEMBER(Judl.)

K.B.