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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/0000103/2014

Cuttack this the 4th day of March, 2014
CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Gyana Ranjan Mohanty
Aged about 48 years
S/o.late Gouranga Charan Mohanty
Matha Sahi
Tulasipur
Cuttack

...Applicant

By the Advocate(s)-M/s.M.K.Khuntia
G.R.Sethi
J.K.Digal
B.K.Pattnaik

-VERSUS-

Union of India represented through

1. The Secretary
Ministry of Information & Broadcasting Corporation
Sastri Bhawan
New Delhi
2. The Director General
All India Radio,
Akashvani Bhawan
Sansad Marg
New Delhi
3. The Chief Executive,
Prasar Bharati Broadcasting Corporation of India
Mandi House, Copernicus Marg
New Delhi
4. Station Director, All India Radio, Cuttack

...Respondents

By the Advocate(s)-Mr.



ORDER**R.C.MISRA, MEMBER(A):**

Applicant in the present Original Application has approached the Tribunal with a prayer that the Respondents, who are the authorities of the Ministry of Information & Broadcasting and Prasar Bharati should be directed to conduct review audition test in respect of his case in accordance with the order dated 9.4.2013 which is placed at Annexure-A/6. His further prayer is that the Respondents should also be directed to regularize his services as Announcer in the All India Radio with all consequential and monetary benefits.

2. As stated in the Original Application, the applicant was selected as casual Announcer in the All India Radio, Cuttack in the year 1990. While he was continuing to do his work in this position, he was asked to go through a microphonic voice test on 22.5.2012, which was meant for assessing his suitability in live announcement and comparing. However, applicant failed to appear in this test allegedly due to some communication gap. Subsequently, applicant came to know that it is mandatorily required to go for a review audition and therefore, he made a request in this regard to the Station Director, All India Radio, Cuttack on 29.5.2012. Applicant and other similarly situated persons were assured that their cases will be considered. No action was taken by the concerned authorities and he was not assigned any duty from May, 2012 onwards and therefore, applicant along with a few others filed a representation on 31.12.2012 reiterating their prayer. The facts mentioned in the O.A. reveal that several Correspondences in this regard have been made in the meantime, but without any result. The position to day is that no



review audition has been conducted for the applicant and he has not been assigned duties as an Announcer while Respondent No.4 is taking steps for empanelment of freshers by conducting written and audition tests. Against the above background of fact, applicant has approached the Tribunal with the prayer as mentioned earlier.

3. We have heard Ms.B.K.Pattnaik, learned counsel for the applicant and perused the records on the question of admission of this O.A. Admittedly, applicant was performing his duties as an Announcer in the All India Radio, Cuttack on the basis of contractual assignment. It appears that to consider his suitability for continuance in his present functioning, he was asked to come for a microphonic voice test on 22.5.2012, which he failed to appear. Thereafter, he made representations for a review audition in his case so that he would continue to function as a casual Announcer based on letter dated 9.4.2013 issued by the office of the Directorate General vide Annexure-A/6. Since the authorities have so far not granted him any relief, he has approached the Tribunal.

4. Section 14 of the A.T.Act, 1985 lays down the jurisdiction, powers and authority of the Central Administrative Tribunal. Provisions of this Section are quoted below.

"14.Jurisdiction, powers and authority of the Central Administrative Tribunal – (1)Save as otherwise expressly provided in this Act, the central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before the date 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 ©] 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 ©] 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;
- © 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”.

5. It is very clear from this provision that the matters of recruitment and other service conditions of persons holding civil posts under the Union of India come



under the jurisdiction and powers of the Central Administrative Tribunal. Under Section 19 of the Act, it is stipulated that a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal may make an application to the Tribunal for the redressal of his grievances. Considering strictly the above provisions, we are of the view that the service conditions of the applicant who is admittedly performing his work on contractual assignment in the All India Radio are not amenable to the jurisdiction of the Tribunal, as he is not the holder of any civil post under the Union. When faced with a question regarding the present position of the applicant in the All India Radio, learned counsel for the applicant candidly admitted that the applicant was not holding any regular position. The facts as narrated clearly also reveal that casual announcers are being engaged according to requirement of the Respondent-authorities and in order to verify their suitability for the same, they are also conducting voice test and audition test etc. Applicant was asked to appear for a microphonic voice test on 22.5.2012 in which he admittedly failed to appear. Thereafter, the request of the applicant for a review audition is pending with the concerned authorities. The position with regard to this is very clear that the concerned authorities will have to process these matters according to their requirement of the present activities. Grievances of such nature as of the applicant are supposed to be addressed to and redressed by the concerned authorities in the All India Radio as well as Prasar Bharati Corporation of India. Examined from the angles of powers and jurisdiction of the Tribunal as



mentioned in detail above, the Tribunal will not be competent to try and adjudicate such a matter.

6. It is found that the applicant has made a prayer for direction to Respondents to regularize his services as Announcer with all consequential and monetary benefits. However, applicant has not filed any documentary evidence to show that he is in casual employment in the Establishment of the Respondents. There is no shred of paper available along with this O.A. to substantiate his claim for regularization in the Respondent-Organization also. This is a ^{sort} ~~short~~ of bland ^l prayer made without any supporting evidence and therefore, such a prayer cannot be considered.

Based on the reasons as stated above, we hold that the O.A. is not maintainable and accordingly, the same is rejected not being admitted. No costs.


(R.C.MISRA)
MEMBER(A)
BKS


(A.K.PATNAIK)
MEMBER(J)