

I/7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR.

Date of Order : 31/11/2003

O.A. No. 300/2001.

Maresh Kumar Shekhawat S/o Sh. Bachan Singh, C/o Mr. Amar Singh Gehlot patwari, Chunni Lal Ki Haveli Ke Pass, Govt. Press Road, Bikaner, Rajasthan.

... APPLICANT.

v e r s u s

1. Union of India through its Secretary, Ministry of Information & Broadcasting, Government of India, Shastri Bhawan, New Delhi 110 011.
2. Director General and Chief Executive Officer, All India Radio, Akashwani Bhawan, Parliament Street, New Delhi - 110 001.
3. Station Director, All India Radio, Bikaner, Rajasthan.

... RESPONDENTS.

Mr. S. Y. Khan counsel for the applicant.
Mr. P. R. Patel counsel for the respondents.

CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

: O R D E R :
(per Hon'ble Mr. A. P. Nagrath)

The applicant, Shri M. K. Shekhawat, is being given casual assignment from time to time as Announcer in All India Radio, Bikaner, since 1994. He seeks directions to the respondents to consider his claim for regularisation in terms of directions given in various OAs by different Benches of the Tribunal. It would be useful to reproduce the relief clause as prayed for by the applicant:-

(i) Allow this O.A.

(ii) Direct the respondents to extend the benefit of the judgements in O.A. No. 541/97 Manoj Kumar & Ors. vs. U.O.I. & Ors. decided on 3rd December, 1999, 192/99, in the matter of Nasir Ali Zaidi.

& Ors. vs. U.O.I. & Ors. decided on 16.3.99, O.A. No. 578/99 in the matter of Deepak Goswami vs. U.O.I. & Ors. and O.A. No. 45/97 in the matter of Anshu Sharma & Ors. vs. U.O.I. & Ors. and regularise the services of the applicants herein in terms of direction given in O.A. No. 822/91 Suresh Sharma & Ors. given benefit of the scheme prepared ignoring the cut of date or prepare a scheme for regularisation keeping in view the revised liberalised decision vide O.M. dated 17.3.94 as the applicants herein are similarly placed.

(iii) That the respondent be directed to engage the applicant herein atleast for 14 days in a month till ~~they~~ he is regularised as Announcer on Regular Basis in order to enable him to make both their ends meet protection of livelihood.

(iv) To pass any other order/direction as may be deemed fit in the facts and circumstances of the case."

2. It is obvious from the above, that this matter is being agitated before different Benches of the Tribunal and directions have been given to the respondents to consider the claims of casual announcers in terms of the scheme already prepared for regularisation of casual staff artists or to frame a scheme covering the cases of casual announcers. When the matter was heard finally at the request of learned counsel for the parties, Shri S. Y. Khan, Learned counsel for the applicant, submitted that his client would be satisfied if directions were given to the respondents on similar lines as given in the case of Shri Nasir Ali Zaidi & Ors. vs. U.O.I. & Ors. in OA No. 578/99 decided on 16.3.99. We have perused the said order and having ~~given~~ regard to the same, we find that there was absolutely no need for the applicant to agitate the matter afresh by filing this individual OA. The order in that OA covered all the casual announcers whether they were applicants in that OA or not? The operative part of the order is as under:-

" Thus, a consistent view has been taken by the various Benches of the Central Administrative Tribunal that Doordarshan and All India Radio should frame a scheme for regularisation Casual Artists/Announcers

of various nomenclature and regularise all the Casual Artists on the available vacancies. We do not find any strong reason to deviate from the view already taken in the matter. We accordingly dispose of this application with a direction to the respondent to consider regularisation of all the Casual Announcer (whether they are applicants before us or not) under the existing scheme or a scheme to be formulated in terms of the order of the principal Bench(supra), within a period of four months from the date of issue of this order."

3. It is thus manifest that the case of the applicant would automatically stand covered in that direction.

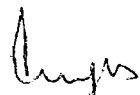
However, now that applicant is before us, we consider it appropriate to pass similar directions in this OA. We find that the applicant has annexed the copies of number of judgements by different Benches of the Tribunal covering the same subject.


4. We were informed by the learned counsel for the respondents that against the said order in the case of Nasir Ali Zaidi & Ors., the respondents have moved to the Hon'ble High Court of Rajasthan by filing a writ petition. We also discern from the orders and observations of the Principal Bench in OA No. 1759/2000, in the case of Rishikesh Sharma vs. U.O.I. & Ors. decided on 06.02.2001, that against most of the judgement of the different Benches of the Tribunal, department has filed appeals which are pending in respective Courts. It was also stated in that case by the counsel for the respondents that an appropriate application would be moved on behalf of the respondents to have these matters decided by the Hon'ble Apex Court. In this background, we have no reasons to deviate from the orders passed by the various Benches of the Tribunals, notwithstanding the fact that the Hyderabad Bench of the Tribunal had taken a different view.

5. Learned counsel for the applicant also strongly urged before us that the respondents be directed to give a casual assignment to the applicant atleast for more than 14 days every month till his regularisation. We do not see any force in this argument as respondents have clearly stated that casual announcers are called on duty only when some sudden casualty from amongst regular announcer occurs.

They have categorically stated that all regular posts of announcers are filled up and there is no vacancy. Since the casual announcers are to be given assignment only when need arises there can be no occasion to specify the number of days for which any announcer be assigned duty in a month. We are convinced that absolutely no ground is made out by the applicant to give any direction to the respondents to engage him for some specified number of days in a month. In this respect, his plea is liable to be rejected.

6. In the facts and circumstances of the case, we allow the OA in part. The respondents are directed to extend the benefit of the directions given in Nasir Ali Zaidi & Ors. vs. U.O.I. & Ors. decided on 16.03.1999 in OA No. 578/99 and the similar judgements referred to in the OA. Needless to say, that the benefits so extended shall be subject to the final outcome of the appeals pending in High Courts and in the Hon'ble Apex Court. No order as to costs.


(A. P. NAGRATH)
Member (A)


(G. L. GUPTA)
Vice Chairman

Copy of Judgement dt 31.1.2003
Sent to Partner By Regd Post
Vide Letter NO 14
dated 11-2-03

SPR
17.2.2003

Recd copy
4/8/03
4/12/03
(P. P. Patel)

Part II and III destroyed
In my presence on 11-4-08
under the supervision of
section officer [Signature] as per
order dated 31/1/08
NGR
Section officer (Records)