

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 275 of 1992

Director Doordarshan Kendra Lucknow Applicant

Versus

Presiding Officer Central Govt. Industrial
Tribunal-Cum-Labour Court, Pandu Nagar,
Kanpur. Respondents

Hon'ble Mr. Justice U.C. Srivastava, J.C.

Hon'ble Mr. K. Chayya, Member (A)

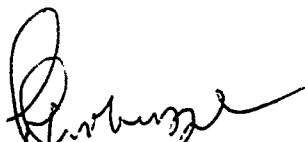
(By Hon'ble Mr. Justice U.C. Srivastava, JC)

The Director of Doordarshan Kendra, Lucknow has filed this application challenging the award given by the Industrial Tribunal to which a reference was made by the Union of India. The reference was whether the Director Doordarshan Kendra, Lucknow was justified in terminating the services of Sri Izhar Ahmad, Ashok Tripathi, Shiv Kumar Srivastava, and Munna w.e.f. 1.8.1987 ? If not, what relief the workman concerned were entitled?. All these employees were casual Artists and their services were terminated w.e.f. 1.8.87. The Industrial Tribunal came to the conclusion that the services of these workmen were wrongly terminated and they are entitled to re-instate with full back wages. But at the same time the Tribunal also took notice of direction given by the Principal Bench Central Administrative Tribunal Directing the Director General Doordarshan, New Delhi to frame a scheme for regularisation of daily rated casual workers in regular category as well terms and conditions for engagement of daily rated casual employee in future and their absorption

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in due course. It was further directed that no recruitment on the aforesaid posts would take place till such a scheme is submitted or accepted by the Court as far as possible unless recruitment is confined only to daily rated casual workers (called casual artists by the Doordarshan Kendras) as engaged in the past. From the body of the judgement it appears that casual artists were also covered floor assistants. The tribunal after having taken notice of scheme though rightly rendered the reference in favour of the employees holding that a termination order was illegal, but so far as that wages is concerned, the entire back wages should not have been allowed, the entire back wages as scheme would have been governed the case of the similarly placed employees through out the country. In case, the back wages is awarded to one set and is not awarded to another set, it certainly will cause discrimination. However, as in this case, the back wages have been awarded consequently, the award is maintained with the observation that "this back wages words shall be read 'his back wages to the extent of 25%.' Meaning thereby the applicant is also entitled to pay salary.


Member (A)


Vice-Chairman,

Lucknow Dated 17.9.92

(RKA)