

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

7

O.A.309,654,684 to 706/89

- | | |
|-------------------------|----------------------------|
| 1. Jayant V. Nabar | .. Applicant in O.A.309/89 |
| 2. Smt.Usha Mehta | .. Applicant in O.A.654/89 |
| 3. Smt.K.S.Rajalakshmi | .. Applicant in O.A.684/89 |
| 4. K.M.Valson | .. Applicant in O.A.685/89 |
| 5. Smt.K.Krishnamurthy | .. Applicant in O.A.686/89 |
| 6. Mrs.R.S.Oak | .. Applicant in O.A.687/89 |
| 7. Smt.Saramma Jose | .. Applicant in O.A.688/89 |
| 8. Mrs.Liduin Fernandis | .. Applicant in O.A.689/89 |
| 9. Mrs.V.P.Pillai | .. Applicant in O.A.690/89 |
| 10.Mrs.Hilda D'eaucha | .. Applicant in O.A.691/89 |
| 11.Shri R.A.Mishra | .. Applicant in O.A.692/89 |
| 12.Mrs.P.R.Naik | .. Applicant in O.A.693/89 |
| 13.Mrs.N.J.Joshi | .. Applicant in O.A.694/89 |
| 14.Smt.V.K.Borwankar | .. Applicant in O.A.695/89 |
| 15.Shri S.N.Salunge | .. Applicant in O.A.696/89 |
| 16.Smt. V.S.Bedekar | .. Applicant in O.A.697/89 |
| 17.P.K.A.Nair | .. Applicant in O.A.698/89 |
| 18.Miss.V.S.Shetty | .. Applicant in O.A.699/89 |
| 19.Smt.S.K.Maindon | .. Applicant in O.A.700/89 |
| 20.Shri H.I.Khan | .. Applicant in O.A.701/89 |
| 21.Smt.R.C.Ghosh | .. Applicant in O.A.702/89 |
| 22.Shri P.S.Rawat | .. Applicant in O.A.703/89 |
| 23.Smt.V.V.Iyer | .. Applicant in O.A.704/89 |
| 24.Smt.Kamala Kendre | .. Applicant in O.A.705/89 |
| 25.Shri S.H.Jambhekar | .. Applicant in O.A.706/89 |

vs.

1. The Deputy Director,
Vividh Bharati Service,
All India Radio,
C.G.O.Building,3rd Floor,
101, M.K.Road,
Bombay - 400 020.
2. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi - 110 001.

3. Union of India
through
The Secretary
Ministry of Information &
Broadcasting,
Shastri Bhavan,
New Delhi - 110 001.

.. Respondents

Coram: Hon'ble Shri U.C.Srivastava, Vice-Chairman
Hon'ble Shri P.S.Chaudhuri, Member(A)

Appearances:

1. Mr.S.Natarajan
Advocate for the
Applicants.
2. Mr.A.I.Bhatkar
(for Mr.M.I.Sethna)
Counsel for the
Respondents.

JUDGMENT: Date: 27-2-1991
(Per U.C.Srivastava, Vice-Chairman)

In this bunch of 25 cases the facts are substantially the same except as to the post held by some of the petitioners and the year in which they were employed. All of them belong to the cadre of Senior Staff Artist. Two petitioners viz. O.A. 309/89(JAYANT V. NABAR) and O.A.654/89(SMT.USHA MEHTA) were not listed before us but with the consent of the parties we heard these cases also along with other cases as common questions of law and fact arise in these cases also.

2. In or about 1971 these applicants were appointed as General Assistant/Copyist(Staff Artist) Junior Grade on contract basis. Vide memorandum No. 7/5/70-SVII dated 30-12-1970 the General Assistants/Copyists were assigned the following duties:(i)to copy

scripts, letters etc. as required on the typewriter or by hand; (ii) to maintain registers, catalogues etc. as required; (iii) to render all type of clerical and misc. assistance; (iv) to take part occasionally in programme and (v) any other duties that may be assigned. Admittedly they were also to participate in programmes and the said memorandum also provided that if they take part in programmes more than twice a week they were paid an extra remuneration upto 25% of their basic fee for the extra work. The duties as have been mentioned were some sort of mixed duties clerical cum non-clerical which included participation in programmes. The duties of Production Assistants were also mentioned in the said memorandum which are as follows: (1) to record, dub, edit and play back programmes of all kind; (2) to maintain registers of blank tapes, recorded tapes, etc. according to system in force (3) to assist in production of programme of all kinds (4) to assist in preparation of news-reels whenever required (5) to take part in play, feature etc. if required and (6) any other duties which may be assigned from time to time. The duties of Production Assistants referred to above also indicate that these also included some duties of clerical nature like maintenance of registers of blank tapes, recorded tapes etc. It is obvious to note that all these petitioners were also participating in the programmes

as and when required though not to the extent that (10)
Production Assistants were participating and it
appears that there was overlapping of duties. Earlier
these persons were engaged on casual basis. Subse-
quently they were appointed specifically as Staff
Artist, though on contract basis, but the appointment
was to continue upto the age of 58 years. It is to be
noticed that the cadre of Staff Artist had four groups
and the pay scales of these groups are somewhat
different. Clerical group, Production group, Announcer
group and Journalistic group. In the year 1976 revised
recruitment rules for Staff Artists on Broadcasting
side (excluding Television and foreign language staff)
of All India Radio were framed with the concurrence
of the Govt. of India. In the said recruitment rules
for the post of Production Assistant the method of
recruitment was 100% by limited selection from among
Senior Grade General Assistants/Copyists/Tape Librarians/
Instrument Repairers/Caretaker Musical Instruments and
Junior Grade General Assistants/Copyists/Tape Librarians/
Caretaker Musical Instruments/Instrument Repairers with
at least five years continuous service in that grade
failing which by direct recruitment. In the schedule
a note was put that "this method of recruitment will be
for a period of five years from the date of implementation
of these rules. Thereafter, fresh Recruitment Rules
will be framed." There is no denial of the fact that