

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

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. 8  
.. 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

(6)

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  
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