

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.431/89.

Date of Order:7-6-91.

1. R.N.Hegde
2. M.Sarojini Devi
3. A.Padmanabha Rao
4. G.Venugopalaswamy
5. C.Sai Sankar Kumar
6. P.Balabhaskar Rao
7. G.V.Ramana
8. N.Vamana Murthy
9. N.V.G.A.KrishnaBabu
10. T.V.Mallikarjuna Rao
11. K.Ramana
12. S.Eknath
13. I.Venkateswara Rao
14. R.C.Premsagar
15. P.Srikanth Pawar
16. Y.Sarojini
17. M.Ramadevi
18. B.S.Trimurthy
19. P.Ramamohan Rao
20. J.E.L.Kameswari
21. M.Srinivas

.....Applicants

Vs.

1. The Director, Doordarshan Kendra,
Ramanthapur, Hyderabad-500 013.
2. The Director-General, Doordarshan,
Mandi House, Convent Marg,
New Delhi-110 001.

.....Respondents

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Counsel for the Applicants : Shri C.Suryanarayana

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Addl.CGSC

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

(Order of the Bench delivered by Hon'ble
Shri B.N.Jayasimha, Vice-Chairman)

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10/8/91

(Order of the Bench delivered by
Hon'ble Shri B.N.Jayasimha, VC).

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The applicants are Casual Staff Artists working in Doordharshan Kendra, Hyderabad. They have filed this application aggrieved by the orders issued by the Director, Doordarshan Kendra, Hyderabad in his note dated 26-5-1989.

2. The applicants state that they have been engaged as Casual Staff Artists for various types of works like Floor Assistant, Production Assistant, Makeup Assistant, General Assistants etc., from 1981 onwards. They were being engaged as per the requirement. By the impugned note they are not being engaged as Casual Staff Artists restricting the engagement to only those recruited after 1988. Aggrieved by these orders they have filed this application seeking a direction to continue them as Casual Staff Artist in their respective posts pending regularisation in the corresponding regular posts and also ^{grant} relaxation of age limit.

3. The respondents filed a counter disputing the claim ~~statements~~ made by the applicants.

4. We have heard Shri C.Suryanarayana, learned counsel for the applicant and Shri Naram Bhaskar Rao, learned standing counsel for the Respondents. Shri Suryanarayana states that

similarly placed Casual Staff Artists had filed applications in the Principal Bench (OA 894/90, OA 2322/90 and OA 1775/90) and the decision rendered by the Principal Bench in these cases apply to the applicants also. The Principal Bench in these cases considered the applications filed by Casual Staff Artists or Artists booked on assignment basis and after considering the points urged by the applicants and the counter filed on behalf of the Union Government, gave the following directions :-

- (i) Casual Artists who have been engaged for an aggregate period of 120 days, may be treated as eligible for regularisation. The broken period in between engagement and disengagement, are to be ignored for this purpose.
- (ii) The respondents shall prepare a panel of casual Artists who had been engaged on contract basis, depending on the length of service. The names of those who have not been regularised so far, specially from 1980 onwards, though they may not be in service now, are to be included in the panel. Persons borne on the panel, are to be considered for regularisation in the available vacancies.
- (iii) For the purpose of regularisation, the upper age limit has to be relaxed to the extent of service rendered by the Casual Artists. One hundred and twenty day's service in the aggregate shall be treated as the service rendered in one year for this purpose.

To

1. The Director, Doordarshan Kendra,
Ramantapur, Hyderabad-13.
2. The Director-General, Doordarshan,
Mandi House, Copernicus Marg, New Delhi-1.
3. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
4. One copy to Mr.N.Bhaskar Rao, Addl. CGSC.CAT.Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
6. One spare copy.

pvm

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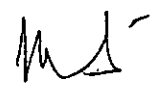
(iv) Till all the Casual Artists who have been engaged by the respondents have been regularised, the respondents may not resort to fresh recruitment of such Artists through Employment Exchange or otherwise.

(v) Till the Casual Artists are regularised, the wages to be paid to them should be in accordance with the scale of pay of the post held by a regular employee in an identical post. The amount of actual payment would be restricted to the actual number of days worked during a month.

In giving the above directions, the principal Bench took into consideration the various decisions given by the Supreme Court and observed that the framing of a suitable scheme for regularisation of the Casual Artists as a constitutional imperative.

5. In as much as the applicants are similarly situated, the judgment of the Principal Bench covers the case of the applicants also. Accordingly we direct the respondents to extend the benefit of the Judgment of the Principal Bench to the applicants also. The Respondents will implement the above directions within four months from the date of receipt of this order.


(B.N. JAYASIMHA)
Vice-Chairman


(J.N. MURTHY)
Member (J)

Dated: 7th June, 1991.
Dictated in Open Court


Deputy Registrar (J)