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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.84/90.

Date of order: 27.6.90.

Between:

1. B.E. Karunakar
2. Smt. V. Ramani.

.. Applicants.

Vs.

The Station Director, All India
Radio, Hyderabad.

.. Respondents.

~~THIS APPLICATION~~

Sri D.Linga Rao, Counsel for the Applicants.

Sri N.Bhaskar Rao, Additional Standing Counsel for Central
Government.

CORAM:

Hon'ble Sri J.Narasimhamurty, Member (Judicial)

Hon'ble Sri R.Balasubramanian, Member (Administrative).

(Judgment of the Bench delivered by
Hon'ble Sri J.Narasimhamurty,
Member (Judicial).

--:-

This Application is filed for a direction to the respondents to absorb them regularly as Junior Grade Announcers in the vacancies that arose in All India Radio, Kottagudem and to declare the action of the respondents in holding a written test along with the inexperienced people and eliminating them from the final interview without even announcing the results of the written test publicly on the Notice Board of the A.I.R., as illegal, arbitrary, discriminatory and cannot be justified.



The averments in the application briefly stated are as follows:

The applicants state that they are highly experienced and qualified for being selected as Junior Grade Announcers. The first applicant passed the Audition Test in the year 1982 and ever since he has been participating in various programmes of the A.I.R., at Hyderabad. He has been giving announcements as and when required by the Station. Similarly the 2nd applicant passed the Audition Test in April, 1982. Ever since she has been participating in various programmes including Yuva Vani. She has been included in the panel of Casual Announcer/ ~~Ann~~ in February, 1985. She is a Graduate with Telugu Medium and she has good command in Telugu language in order to prepare in Telugu the various programmes and broadcast them. The applicants are qualified in Music. They have got versatile experience in various branches of Broadcasting as Announcers/ Script writers/ Production Assistants/ Singers etc.

The respondents advertised in the year 1989 January for recruitment of 6 posts of Junior Grade Announcers for A.I.R., Kottagudem out of which two are reserved for S.C./S.Ts., and four for O.Cs. The qualifications required are a Degree from a recognised University, Voice suited for Broadcasting, knowledge of Telugu language acquaintance of Music, Drama and Literature and acquaintance in National and International Affairs. The job requirement will broadly included writing of announcements and broadcasting them and the various duties connected with Broadcasting. The applicants have applied for the posts. A written test in Telugu

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was conducted on 10--12--1989 and the applicants performed well in the written test in view of their experience. The applicants were orally informed that all those who secured 20 marks out of the total 40 marks in the written test will be called for interview. The applicants were not called for interview. The applicants state that it was a shocking to them that none among the experienced persons except one was qualified in the written test inspite of the question paper having been set with questions relating to Broadcasting in which the applicants are experienced for over eight years. For this they allege that the respondents indulged in showing favouritism, nepotism and fraud. The applicants state that as per recruitment regulations, candidates have to be called for interview in the ratio of 1:10 and if this rule is followed for the six vacancies advertised 60 candidates should have been called for interview. But only 26 candidates have been called for Audition Test/ Interview with a deliberate motive of narrowing down the scope of selection to a most minimum number of ~~xx~~ inexperienced candidates so that the favouritism could be easily picked up and persons ~~xxxxxxxx~~ interested could be selected.

The applicants state that suitable voice and the audition test is the first requirement. Experience in the field of broadcasting is second requirement. If these requirements are satisfied the written test will occupy a final stage. The applicants state that the respondents conducted written test first without following the order.

The applicants state that they have been working ~~xx~~ on part-time basis in All India Radio for over eight years. They were being paid for each programme in which they participated. They state that their position is like that of daily wage workers.

The applicants state that though they are working as Part-time workers since eight years, they were not called for interview and therefore the action of the respondents is illegal.

Hence the application.

The respondents filed their counter contending as follows:

According to the Recruitment Rules the candidates who have passed in the written test by obtaining 50% marks in the written test have been called for voice test and interview which was held on 10th January, 1990. Therefore, the action of the respondents is according to rules.

The respondents state that it is a general practice in All AIR Stations to engage casual artists in the category of Announcers, News Readers etc., whenever the exigencies of service so demand. For this purpose a panel of candidates is made purely for casual engagements. ~~W~~ They engage them for a few days in a month or so on assignment basis whenever there is a need due to casual leave etc., of regular Announcers. As per the contract the payment is made to them after their assignment is over. This is purely a casual contract without any right for regular appointments. This is also being mentioned in the assignment orders given to the applicants. The respondents state that the applicants were engaged purely on casual basis like many others and it does not confer any right on them for absorption. The recruitment to the post of Announcers is by open competition. They state that if the applicants passed the written test, they would have also been called for voice test and interview. They state according to Recruitment Rules all those who obtained 50% marks in the written test were called for Voice Test and interview. The allegations made by the applicants in regard to favouritism etc., ~~are~~ are their assumption and imagination without any truth or basis.

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The applicants were given casual assignments on the basis of a simple voice test, as such they cannot claim for regular appointments as Announcers. The process of recruitment for regular appointment is completely different from the simple voice test conducted to the applicants at the time of their casual booking. As per Recruitment Rules, elaborate method is applied to know the suitability of the candidates in writing, voice and personality etc. and the applicants also have been given an opportunity to compete along with other candidates. As such they cannot claim superiority over other candidates just because they have had some casual engagements. Those who got 50% marks in the written test were called for voice test/ interview. If the applicants had performed well in the test, they would have been called for voice test/ interview .

The respondents state that it is for the Department to decide and frame the method of recruitment and not for the applicants. Moreover, the Announcers are required to write the announcements in the first instance, sometimes at a very short notice and after approval make actual announcements over the AIR. Therefore, the Department has prescribed the written test and then the voice test/ interview in the Recruitment Rules. The applicants have urged that no preference has been extended to those in service. The casual artists booked on casual contract basis cannot claim any preferential right. The respondents state that some experienced candidates have also passed the written test.

The applicants are not similar to daily wage workers for absorption. Their services are utilised only for a few days in a month and that too if required only.

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The respondents state that those who have qualified in the written test, voice test and interview have been finally selected. Hence the application is liable to be dismissed.

Heard Sri D.Linga Rao, learned counsel for the applicants and Sri E.Madan Mohan Rao, learned Additional Standing counsel for the respondents.

The applicants herein clearly stated that they are being called now and then ~~to work~~ as Announcers in A.I.R., Kottagudem on casual basis and they were being paid their remuneration for each programme after the assignment was over. They state that they are working since eight years on casual basis they have got more experience and they have to be absorbed on regular basis.

The respondents have called for the applications for the posts of Announcers. They Applicants have also applied for the post along with the other applicants. According to the recruitment rules, a written test was conducted. According to the Recruitment Rules the candidates who have secured 50% marks in the written test will be declared as having coming out successful in the written test and those persons would be called for voice test/interview. The pass in the written test is ^a must for calling for voice test/interview whether a person is having experience or not. Though the applicants claim that they are working since eight ~~a~~ years on casual basis, they could not come out successful in the written test. For that they attribute motives to the Department without any basis.

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The respondents contend that in the leave vacancies of the regular employees, they used to call for now and then the applicants to make announcements in the AIR. After the assignment is over, they used to pay their remuneration. According to the Recruitment Rules, the applicants cannot have a preferential claim for absorption unless they qualify themselves by passing the written test, voice test/ interview. Because the applicants have not secured 50% marks in the written test, they have failed in the written test and thereby they are not eligible for being called to voice-test/interview. The Applicants are "Casual Artists". They cannot be compared themselves with "Casual Labourers" in the Postal and Electricity Departments. There is vast difference between an "Artist" and a "Labourer". They cannot be equated with Casual Labourers. The Casual Labourers are employed to work throughout the day. The Casual Artist is employed for only limited hours and only for a limited number of days in a month. "Casual Artists" and "Casual Labourers" are different classes with different kinds of duties and responsibilities. The decisions relied on by the learned counsel for the applicants in JITENDRA NATH V. W.B. BOARD OF EXAMINATION (A.I.R. 1983 Calcutta 275) and RAMA SANKAR MISHRA V. ORISSA PUBLIC SERVICE COMMISSION (A.I.R. 1990 Orissa 57) are not relevant to the facts of the present case.

E. Madan Mohan Rao

The learned Counsel ~~Sri N. Bhaskar Rao~~ for respondents cited the decision reported in MAHARASHTRA/SECONDARY AND HIGHER SECONDARY EDUCATION & ANOTHER V. PARITOSH BHUPESH KURMARSHETH & OTHERS (A.I.R. 1984 S.C. 1543 at 1559) which reads as under:

"Far from advancing public interest and fair play to the other candidates in general, any such interpretation of the legal position would be

wholly defeasive of the same. As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case."


above


In view of the/decision of the Supreme Court, the decision relied on by the ~~exam~~ learned counsel for the Applicants are not relavent to the facts of the present case.

The applicants have not fulfilled the ~~xx~~ first and the main requirement of a pass in the written test. To judge the performance of the applicants in the written test, we have perused the answer scripts of the applicants and we found that their performance is poor. Therefore, the allegations made by the applicants against the respondents regarding favouritism etc., are their mere assumption and imagination and very irresponsible.

More over the persons appointed are more deserving and talented and satisfied all the requisite qualifications that the Authorities prescribed.

In the result there are no merits in the application. The Application is dismissed. There will be no order as to costs.


(J. NARASIMHAMURTY)
Member (Judicial)


(R. BALASUBRAMANIAN)
Member (Administrative)

Date: 27-6-90.


DEPUTY REGISTRAR (J)

SSS.

TO:

1. The Station Director, All India Radio, Hyderabad.
2. One copy to Mr. D. Linga Rao, Advocate, 1-1-258/10/C Chikkadpally, Hyderabad.
3. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
4. One spare copy.

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APPROVED

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B.N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

AND

THE HON'BLE MR. J. NARASIMAHAMURTHY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE : 27/6/90

~~ORDER~~ / JUDGMENT

M.A./R.A./C.A./No.

in

T.A. No.

W.P. No.

O.A. No. 84/90

~~Admitted and Interim directions Issued.~~

~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed as withdrawn.~~

~~Dismissed.~~ No 84/90

~~Disposed of with direction.~~

~~M.A. ordered/Rejected.~~

~~No order as to costs.~~

