

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
(Application Under Section 19 of the A.T. Act, 1985)

O.A.No.

955 of 1994

Between:

1. Smt. V. Ramani (Alias. A. Ramanamma)  
W/o V. Ramesh Babu,  
Aged about 36 years  
Occupation: Production Assistant-cum-  
Comperer (On casual basis)  
All India Radio, Hyderabad-4  
R/o Hyderabad
2. Bh. Suryanarayana,  
S/o Bh. Nageswara Rao,  
Aged about 32 years,  
Occupation: Production Assistant-  
cum-Comperer, (On casual basis)  
All India Radio, Hyderabad-500004  
R/o Moula Ali, Hyderabad.  
  
S/o G. V. Gopal  
Aged about 34 years,  
Occupation: Casual Production Assistant-  
cum-Comperer, All India Radio,  
Hyderabad-500004, R/o Hyderabad.
4. V. Sunil Kumar  
S/o V. S. S. Rao,  
Aged about 31 years,  
Occupation: Casual Production Assistant-  
cum-Comperer, All India Radio,  
Hyderabad-4, R/o Hyderabad.
5. Mahmood Shareef,  
S/o Jamal Shareef  
Aged about 32 years,  
Occupation: Production Assistant-cum-  
Comperer (On casual basis)  
All India Radio, Hyderabad-4,  
R/o Hyderabad.
6. Mohd. Akbar Ali Khan,  
S/o Mohd. Osman Ali Khan,  
Aged about 33 years,  
Occupation: Casual Production Assistant-  
cum-Comperer, All India Radio,  
Hyderabad-500004, R/o Hyderabad.
7. Kona Syamprasad,  
S/o Kona Kodanda Rama Rao,  
Aged about 29 years,  
Occupation: Production Assistant-  
cum-Comperer, All India Radio,  
Hyderabad-500004, R/o Hyderabad.

(The address for service of all Notices, Process, etc.  
on the above named Applicants is that of their Counsel  
M/s. Y. Suryanarayana, Meherchand Nori, P. Naveen Rao,  
B. P. Mohan and Y. Nagalakshmi, Advocates, 40, MIGH,  
Housing Board Colony, Mehadipatnam, Hyderabad-500028)

AND

..... APPLICANT

1. The Government of India,  
Represented by Secretary to Government,  
Ministry of Information & Broadcasting,  
Central Secretariat,  
New Delhi.
2. The Director General,  
All India Radio,  
Government of India,  
New Delhi
3. The Station Director,  
All India Radio,  
Government of India,  
Hyderabad-500004

... RESPONDENTS

DETAILS OF APPLICATION

**1. Particulars of the order against which the Application is filed**

The applicants are seeking for direction to the Respondents for regularisation of their services in the Respondents organisation and for consequential benefits.

**2. Jurisdiction:**

The subject matter of the Application is within the jurisdiction of this Honourable Tribunal under Section 14(1) of the Administrative Tribunal Act, 1985.

**3. Limitation:**

The Applicants declare that the O.A. is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE:**

(a) All the Applicants herein are presently working as Casual Production Assistants on contract basis in All India Radio, Hyderabad. A detailed statement in tabular form is given hereunder:

CASUAL PRODUCTION ASSISTANTS

Sl.No.	Name of the Applicant, working in A.I.R.	Date of first assignment in A.I.R.
1.	Smt. V.Ramani (Alias. M.Ramanamma)	08-7-1982
2.	Shri Bh.Suryanarayana	18-12-1985
3.	Shri G.Sudarshan Kumar	25-2-1987
4.	Shri V.Sunil Kumar	15-7-1986
5.	Shri Mohmood Shareef	25-6-1986
6.	Shri Mohd.Akbar Ali Khan	15-9-1987
7.	Shri Kona Shyam Prasad	14-9-1988

As can be seen from the above statement, the [first applicant] was first appointed as Production Assistant on Casual basis on 8-7-1982 and has been working since then continuously. [She] has been [performing the duties of "Casual Compere"-cum-Production Assistant in Yuvavani, Commercial Broadcasting Services and Hyderabad-A Telugu Sections in All India Radio, Hyderabad. [All] the [applicants] are similarly [working] for [various spells]. Prior to their initial appointment, they had [undergone] [a process] of selection and [various tests] were conducted in Audition, Compere, Production, announcement, dubbing, etc. The Applicants further submit that the All India Radio recruiting persons on casual basis for undertaking regular work and the work, the duties and responsibilities undertaken by the Applicants was of the regular nature and forms part and parcel of basic services of All India Radio. In other words, the nature of duties and Responsibilities entrusted to the Applicants is very core to the running of the All India Radio. While so, instead of filling up of these posts on regular basis, contractual system is resorted to and persons are given contractual assignment of 6 days per month in rotation. In all about 40 persons are working in All India Radio, Hyderabad, as Casual Artists. On the said contractual basis the Applicants have been working for various spells.

(b) The Applicants are fully qualified and eligible to be appointed on a regular basis to the posts now they are performing on casual basis and the work rendered by them is also of regular nature. In addition to that, by virtue of the fact that they have been working for very long time, they have mastered the skill to which they have been given the contractual assignment and initially also they were subjected to vigorous tests before their selection.

(c) While so, the Staff Selection Commission had issued notification in the Employment News Weekly dated 29-1-1994 calling for applications from eligible persons for recruitment to the posts of Transmission Executives (General and Production). The vacancy position is not indicated in the said advertisement. However, the Applicants understand that there are about eleven vacancies at All India Radio, Hyderabad Office. The qualifications prescribed are as follows:-

i) Degree in recognised University or its equivalent or Diploma in National School of Drama or Diploma from the Film and Television Institute, Pune or Diploma in Sound broadcasting and proficiency in the languages relevant to the vacancy. Certain other desirable qualifications are also mentioned in the advertisement. (A copy of the advertisement is enclosed as Annexure- 'B'). Age limit prescribed is 18 - 30 years as on 1-1-1994.

It is respectfully submitted that the posts now sought to be filled up are the posts now being occupied by these Casual Artists and once these posts are filled up, these casual artists will be thrown out of their assignments. The Applicants possess all the requisite qualifications stated in the advertisement.

(d) It is respectfully submitted that the Contractual assignment is given by All India Radio at their discretion and according

to their own convenience. The Applicants and similarly situated persons have no say in securing the contractual assignment. It is highly arbitrary and discriminatory on the part of the Respondents in not considering the rightful claims of the Applicants for regularisation of their services and resorting for direct recruitment from the open market, when qualified and eligible candidates are available with adequate experience. In this context it is also relevant to note that a similar contractual system is also existing in Doordarshan, Government of India, wherein contractual assignments were to be given in a spell of 10 days per month as against 6 days in All India Radio and those Casual Artists were also working in Doordarshan in similar terms and conditions and similar circumstances as that of the Applicants herein. The Casual Artists of Doordarshan working at various places approached Honourable Central Administrative Tribunal benches. In the matters filed before the Principal Bench, the Principal Bench, directed the Doordarshan to formulate and fix frame a scheme for regularisation of services of the casual artists. Accordingly Doordarshan in consultation with the Ministry of Information and Broadcasting and Government of India had framed a scheme and submitted the same to the approval of Central Administrative Tribunal. With certain modifications and changes, a final scheme for regularisation was published with the prior approval of the Principal Bench, on 9-6-1992 (A copy of which is filed as Annexure-'C'). According to the said scheme, several casual artists are being regularised on the basis of availability of vacancies and other eligible candidates are kept in panel for future regularisation. It is just and proper to follow the pattern and same policy in the case of All India Radio Casual Artists also. Except for the variation in the contractual period, all other conditions and circumstances are same and official respondents are also in the same organisation.

(e) In consequence to the advertisement dated 29-1-1994, the Staff Selection Commission is proceeding to conduct exami-

If all the posts so advertised are filled up the Applicants would be put to grave hardship and irreparable loss. It is therefore just and proper that the Respondents be directed to reserve 7 (seven) vacancies in the category of Transmission Executives, pending disposal of the O.A.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- (a) The action of the Respondents in engaging the Applicants on contractual basis with no security of service and with no other service benefits is highly arbitrary and discriminatory and violative of constitutional guarantees.
- (b) The practice followed in resorting for contractual engagement and that too at their discretion and on the conditions prescribed by them, for the work and duties and Responsibilities which are of permanent and regular nature and which are very core to the existence of the organisation is highly unreasonable, unethical, more so, when the Government is party to such practice.
- (c) The method and procedure followed by the Respondents in resorting for contractual assignments for jobs which are of regular and permanent nature is against to the principles laid down by Honourable Supreme Court of India in Catena of cases.
- (d) The applicants had undergone a process of selection and were fully qualified and eligible for the posts, when they were initially appointed and they continued to work with a fond hope that their services would be regularised at a later date and from time and again, they were given assurances to consider the cases sympathetically. The applicants, having fully involved in the nature of work of All India Radio, could not concentrate to secure any other job and by the very nature of their qualifications and experience and due to becoming over-age by now, th

have no other avenues of employment and if their services are not regularised they would be left without employment ~~forever~~.

(e) The Doordarshan, which is part of the Ministry ~~and~~ of Information and Broadcasting (the 1st Respondent herein), has framed a detailed scheme which gives scope for ~~regularisation~~ relaxation of Age and other qualifications and the Scheme prepared by them had the approval of this Honourable Tribunal. In the interest of justice and fair play, the Government of India should frame a suitable scheme as is done in the case of Doordarshan and alleviate the suffering and hardship of the contractual artists.

(f) The Applicants are entitled for regularisation of their services and for regular payment of pay and other allowances.

#### 6. DETAILS OF REMEDIES EXHAUSTED

The Applicants declare that they have no other alternate remedy except to invoke the Jurisdiction of this Honourable Tribunal for the redressal of their grievance.

#### 7. MATTERS NOT PENDING WITH ANY OTHER COURT:

The applicants declare that they have not filed any application, Writ Petition or Suit regarding the same subject matter and no application, Writ Petition or Suit is pending before any other Court or Tribunal or Forum regarding the same subject matter of this Application.

#### 8. MAIN RELIEF:

It is therefore prayed that this Honourable Tribunal in the interest of justice be pleased to direct the Respondents to frame and formulate a scheme for regularisation of services of Applicants herein and Casual Artists of All India Radio as regular Government servants in regular posts borne on the establishment of the All India Radio and pass such other order or

orders as this Honourable Tribunal Deems fit and proper in the circumstances of the case and in the interest of justice.

9. INTERIM RELIEF

It is further prayed that this Honourable Tribunal in the interest of Justice be pleased to direct the Respondents to keep seven posts of Transmission Executives in All India Radio, Hyderabad Station vacant, pending disposal of the O.A. and a further direction to continue the Applicants as Casual Artists on existing terms, pending disposal of the O.A. and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

10. Particulars of the Postal Order in respect of appln. fee:-

- i) Number of Indian Postal Order:
- ii) Name of the issuing post office:
- iii) Date of Postal order :
- iv) Post office at which payable :

986949138  
HUMAN NPK  
15-07-94  
SO. N3

11. Details of Index

An index in duplicate containing the details of documents to be quoted upon is enclosed.

15-7-94  
I.P.O./B.C./D.D./Removed

VERIFICATION

We, the undersigned Applicants who are working as Casual Production Assistants/Comperers in All India Radio, Hyderabad, do hereby verify the contents of this O.A. from para 1 to 11 and they are true to our personal knowledge and belief and that we have not suppressed the material facts.

1. *V. Ramani*

2. *S. Shetty*

3. *G. S. Kumar*

4. *A. H. Khan*

5. *C. H. K. Reddy*

6. *M. A. Khan*

7. *K. Syamprasad*

(Signature of the Applicants)

*W. J. P.*

(Counsel for the Applicants)

To  
The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench, Hyderabad.