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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.968/95

dt. 03.07.1997

Between

Smt. D.S.S. Jayalakshmi : Applicant

and

1. The Govt. of India, rep. by
its Secretary to Govt.
Ministry of Information & Broadcasting
Central Sectt. New Delhi

2. Director General
All India Radio,
Govt. of India, New Delhi

3. Station Director
Hyderabad Station
Govt. of India, Hyderabad-4 : Respondents

Counsel for the applicant : Y. Suryanarayana
Advocate

Counsel for the respondents : N.R. Devaraj
Sr. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *✓*
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HON. MR. BS JAIPARAMESHWAR, MEMBER (JUDL.)

Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member (Admn)

The applicant claims to have been working as Casual Compere-cum-Production Assistant and General Assistant on contract basis from 1987 onwards. She states that her selection was the result of various tests conducted to adjudge her suitability for the said job. She claims that she has been performing work which is identical to that done by the regular employees of All India Radio in similar jobs. The grievance of the applicant is that instead of regularising her service on the strength of her considerable experience and long service, the authorities were at one stage contemplating to fill ---- ~~Transmission Executives~~ (General and Production) through Staff Selection Commission and that an examination for this purpose was also notified on 29-1-94 prescribing the requirements of education and age for the said posts. The applicant claims that she fulfills all conditions prescribed in the advertisement, besides the experience already gained by her due to long familiarity with the work requirements of Transmission Executives during her recurring engagement as Casual Production ~~..... pointed out by her that whereas~~ Door-darshan, a sister organisation in the same Ministry, has evolved and implemented a scheme for regularisation of casual artists, no such scheme has been evolved by the All India Radio. She complains that any resort to contractual engagement, as at present, for duties and responsibilities of permanent and regular nature is ~~..... for the same reason~~ outsiders cannot be recruited to these posts ignoring her own past experience and eligibility.

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2. Based on the above arguments she prays for a direction to the respondents to formulate a scheme for regularisation of services of casual artists, like her, in the All India Radio.

3. It is gathered that no selections were made pursuant to the notification dated 4-2-1994 and none was appointed against any of the posts advertised therein.

4. The respondents in their counter-affidavit submit that the applicant was engaged to perform duties of Accounser/Compere on a strictly casual basis. She was initially engaged for no more than 90 days in a year, and thereafter for no more than 50 to 60 days in a calendar year. It is explained that no tests or interviews are even conducted for such casual engagements except for a voice-test, and only a minimum educational qualification -graduation - is insisted on. While this is the position in respect of casual announcers, etc., regular employees are recruited after a process of written tests and interviews. It is revealed that Casual Announcer etc. are fully eligible to take the entrance tests for candidates selected and recruited on regular basis are from the category of these casual artists, as evidently, they manage to acquire necessary professional skills for selection to regular employment over a period of time. It is added that the present applicant too had appeared at the recruitment test for regular appointment but could not succeed in the selection.

5. The respondents further state that All India Radio has indeed formulated a scheme on the lines of the one

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earlier formulated by the Doordarshan. In the said scheme the eligibility criterion for regularisation in the AIR was advisedly kept at 72 days in a year as against 120 days prescribed by the Doordarshan. However, this scheme is applicable and open to only those Casual Artists who were engaged against the posts of Production Assistants/ General Assistants upto 31-12-1991. This decision is stated to be the sequel to a direction contained in OA.822/ 91 disposed of on 18-1-1992 by the Principal Bench, of the Tribunal. The scheme thus evolved does not extend to categories of Casual Artists other than those engaged as Production Assistants / General Assistants because the direction in the said OA pertained only to those two categories.

6. It is emphatically submitted by the respondents that Casual Announcers/Comperes, like the present applicant, who are engaged on an 'assignment basis' do not fall under the category of Production Assistants/General Assistants in the AIR. At the same time it is again pointed out that many of these Casual Artists do come to acquire a distinct edge and advantage over the outsiders in recruitment to various regular posts, and that the present applicant had in fact been permitted to appear for the posts of Transmission Executives and Announcers. Many candidates from this category were duly found fit and selected whereas the applicant was not found suitable for selection. It is explained that besides a different mode of selection, the nature of work, the quantum and extent of duties and responsibilities of regular Announcers/Production Assistants/ General Assistants, though vaguely similar in a limited

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sense, is nevertheless vaster from what is expected of Casual Artists. It is also stressed that the present applicant was not engaged to work as Production Assistant even on casual basis for any significant length of time, but was mostly engaged as compere and announcer in select programmes.

7. Sri Y. Suryanarayana, learned counsel for the applicant cited a judgement dated 28-7-1993 of this Tribunal in OA.783/92 wherein the question of utilisation of the services of Casual Artists, engaged in a particular discipline, in more than one discipline in Doordarshan programmes was one of the issues examined. We have carefully studied this judgement and find that it does not cover the facts of the present case or support the claims of the present applicant since the focus of facts is different in the two cases.

8. As the scheme evolved by Director General of AIR for the regularisation of Casual Production Assistants and General Assistants at present, the applicant does not stand to gain eligibility as per its provisions. It is evident that the scheme was consciously restricted to production Assistants/General Assistants of AIR since they had been agitating for regularisation of services for a long time. The present applicant stands on a different footing altogether as, even according to her own statement, she had been asked to work only occasionally as Production Assistant/General Assistant, but mostly as announcer/compere. Even if she had been asked to work occasionally as Production Assistant in leave vacancies, that would by itself not create or confer eligibility on her to be considered for regularisation in terms of the said scheme as it stands at present.

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9. We have noted that Casual Announcers and Comperes are free to apply for selection against certain regular posts and that the present applicant had indeed done so on atleast one previous occasion. If the applicant did not succeed in the selection it was evidently not on account of any positive discrimination but, apparently, owing to her own inadequacy to measure upto the requirement of such selection.

10. Under the circumstances we cannot hold that the scheme dated 18-9-1992 for the regularisation of Casual Production Assistants and General Assistants can be extended and made applicable to Casual Announcers/Comperes like the present applicant. For these reasons we are unable to concede the claim of the applicant in the OA.

11. In the light of what has been discussed above, we do not find any merit in the OA and the same is disallowed as lacking merit.

12. Before we part with the case, we feel it proper to record our view that the scheme formulated for the regularisation of services of Casual Production Assistants/ General Assistants in AIR [] is in need of improvement as it is apparently found inadequate on atleast two counts. Firstly it introduces a discriminatory differentiation between those casual artists who are engaged as Production/ General Assistants and those who are likewise engaged as Accounters/Comperes. Even according to the learned Senior Standing Counsel (Central) all these are casual artists, though they are so engaged for different tasks. It is at the same time also admitted that even the announcers/ Comperes engaged on casual 'assignment' basis are

required on occasion to perform the duties of casual Production Assistants, though such duties may not extend beyond a few days. This kind of invidious distinction may not be wholly unavoidable. Secondly, restricting the scope and applicability of the scheme to Production/General Assistants - on the ground solely that the Principal Bench had issued certain directions with ^{regard only to} the regularisation, etc. of these two categories of casual artists - does not appear to be quite fair or correct. While formulating the scheme, the authorities should have attempted a comprehensive solution to the problem affecting similarly-situated artists other than the two categories to which the scheme ~~came to be~~ ^{came to be} a crying need for doing this and the authorities would be well-advised to examine if the scope and applicability of the scheme to those other categories who are apparently deserving of such consideration. This would eliminate the charge of discriminatory and preferential treatment among similarly-circumstanced categories of workers ~~which have~~ ^{which have} inadvertently arisen in the scheme as it exists at present.

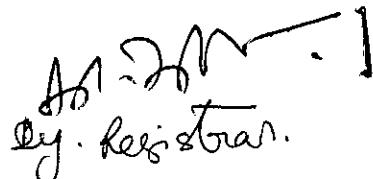
13. Thus the OA is disposed of, along with MAs 520 & 521/97


(B.S. Jayarameshwar)
Member (Judl.)


(H. Rajendra Prasad)
Member (Judl.)

Dated : 03 Jul 97

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Addl. Registrar

O.A. 968/95.

To

1. The Secretary to Govt.
Govt. of India, Ministry of Information
and Broadcasting,
Central Secretariat, New Delhi.
2. The Director General,
All India Radio, Govt. of India,
New Delhi.
3. The Station Director,
All India Radio, Hyderabad Station,
Govt. of India, Hyderabad-4.
4. One copy to Mr. Y. Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT.Hyd.
6. One copy to Mr. HHRP(M)(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. B. S. Jaiparanavar, M(C)

Dated: 3-7-1997

~~ORDER~~ JUDGMENT

M.A./R.A./C.L.NO.

in

O.A.No. 968/95,

T.A.No. (w.p.)

Admitted and Interim directions

Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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