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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A. NO.1385 OF 1995

DATE OF ORDER:- 5-5-1998.

BETWEEN :

1. I. Ravi Kumar
2. B. Srinivasan
3. Kolipaka Shankara Rao ... APPLICANTS

A N D

1. The Government of India
represented by the Secretary to
Government, Ministry of Information
and 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,
Kothagudem, Andhra Pradesh-507101.... RESPONDENTS

Counsel for applicants ... Mr.Y. Suryanarayana

Counsel for respondents ... Mr. N.R.Devaraj, Sr.CGSC

CORAM :

HON. MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

HON. MR.B.S. JAI PARAMESHWAR, MEMBER(JUDICIAL)

O R D E R.

B.S.Jai Parameshwar, Member (J):

Mr. Phaniraj for

1. Heard/Mr. Y.Suryanarayana, the learned counsel for the
applicants and Mr. N.R. Devaraj, the learned Standing Counsel
for the respondents.

2. This is an application under Section 19 of the Administra-
tive Tribunals Act. The application was filed on 1.11.1995.

2. The facts giving raise to this O.A. may, in brief, be
stated thus :

(a) There are three applicants in this O.A. They were
empanelled as casual Artists after completion of the test.
They were ~~not~~ engaged on casual basis whenever there

was work in the respondent organisation.

(b) It is stated that the first applicant was initially engaged as Casual Production Assistant on 6.11.1990, the second applicant was initially engaged as Casual Production Assistant on 19.11.1990 and the third applicant was initially engaged as Casual Production Assistant on 24.11.1990. It is stated that they have been working under the respondents whenever there is work.

(c) They submit that they have been working as Casual Production Assistants and have been performing duties and responsibilities as Production Assistants ^{the} in All India Radio. They have also been performing recording, dubbing, editing features, scripts, trans, stories and assistance in music and dance etc.

(d) They submit that the AIR provides contractual assignments at their discretion and convenience. They submit that this is arbitrary and not ⁱⁿ accordance with the rules.

(e) They state that similar system was prevalent in the Door Darshan and the Door Darshan in consultation with the Ministry of Information and Broadcasting, has formulated a scheme and submitted the same to the Principal Bench of the C.A.T. at New Delhi.

(f) Certain persons approached the Principal Bench in O.A.No.563 of 1986. It is submitted that the Principal Bench directed the respondents therein to formulate a scheme as per its order dated 14.2.1992.

(g) In O.A.No.822/91 the Principal Bench of the C.A.T. by its order dated 24.5.1995 took the scheme formulated by the Door Darshan authorities on record.

(h) Certain persons similarly situated also approached the Principal Bench in O.A.No.822/91. The Principal Bench by its order dated 18.9.1992 issued direction to the respondents therein to formulate the scheme for regularisation

of the casual Artists working in the AIR. The respondents in compliance of the directions, formulated a scheme which was approved by the Principal Bench on 24.5.1995.

(i) The applicants submit that they are covered by the said scheme.

(j) As per the scheme, a person who rendered 72 days of continuous service in a particular year is eligible to be considered for regularisation. It is stated that the scheme was modified by the Government of India Notification No.2(3)/86-SI dated 17.3.1994 and certain instructions were relaxed.

4. The applicants have filed this O.A. to direct the respondents to implement the scheme prepared by the official respondents in pursuance of the directions issued by the Principal Bench in O.A.No.563/86 on 14.2.1992 and in O.A. No.822/91 on 18.9.1992 and consequently ^{to} regularise their services and absorb them in the vacancies now available in the regular posts of Government of India immediately.

5. The respondents have filed their counter denying the averments made by the applicants and contending that the scheme formulated by the Door Darshan has no application to the case of the applicants; that the applicants were assigned on contract basis certain work; that the applicants were not performing or discharging duties similar to any of the permanent post in the All India Radio; that the applicants were being booked on assignment basis as Compere/Announcers only; that the scheme as evolved by the Director General, All India Radio is not applicable to the present applicants. It is submitted that the Production Assistants in the A.I.R. were being recruited by the respective Radio Stations. They were recruited for a particular discipline with the requisite qualification, like in the case of Science reporting, with the Science background, Farm reporting with agricultural background, and News reporting with Journalism background etc. They submit

that since 1982 with the same specific background the Staff Selection Commission had been recruiting for A.I.R. on zonal basis. The recruitment for Transmission Executives is made ~~as~~ on regular basis by the Staff Selection Commission with certain qualifications appropriate to the discipline as required by the notified recruitment rules. Therefore, they submit that the applicants have to undergo the courses on selection by the Staff Selection Commission in order to become Transmission Executives subject to fulfilling the other qualifications. They submit that the Door Darshan is having its own recruitment rules. Hence the claim of the applicants for extending the benefits of the scheme adopted or formulated by the Door Darshan authorities to the case of the applicants is not legally permissible.

6. On 10.3.1998 when this matter came up for hearing we felt that the reply filed by the respondents had not traversed any specific grounds alleged by the applicants in the O.A. particularly in certain details where the applicants alleged to have been performing or discharging the duties as Casual Production Assistants.

7. On 16.3.1998 the respondents filed an additional reply wherein they denied that the applicants were ~~not~~ performing any of the duties similar to the regular posts in the All India Radio Stations and that the averments made in page 2 of the O.A. are contrary to their own official records and clear distortion of facts. They further stated that the applicants were issued with the contracts on assignment basis to assist in production work, to participate in the programmes, to give announcements as mentioned in the Contract Form. It cannot be considered that they had worked as Casual Production Assistants and therefore, the applicants cannot claim for regularisation of their casual assignment ^{rules or} services which are not founded on/ reasonableness. They further

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submitted that the duties of regular Production Assistants in the A.I.R. are quite different from those of the duties performed by a Casual Artist engaged on assignment basis. Further they stated that the post of Production Assistant does not exist at present and it was amalgamated with that of Transmission Executive and redesignated as Transmission Executive (General and Production) as per the revised Recruitment Rules. Thus they submit that the duties of the Transmission Executive and that of the Casual Production Assistant are quite distinct and different. They have further submitted that the pro forma of the Contract Form ^{that was} issued to each of the applicants at the time when they were assigned ^{the} duties on contract assignment and also extracts from the AIR Manual Vol-I and II at Chapter VII under the heading "Talent Booking" as per Annexure-IV. They submit that as per these Annexures, the nature of work extracted from the applicants was different from that of the Transmission Executive or Production Assistant. Thus they submit that the applicants are not entitled for regularisation of their services.

8. On 23.3.1998 the applicants have filed their rejoinder. They have also enclosed a letter dated 15.6.1993 wherein the Director General, All India Radio, New Delhi has informed that the Casual Bookings were discontinued in the category of Staff Artists vide Directorate General, All India Radio Memo No.102/10/80-SV II dated 10.6.1980. It further stated that the casual bookings/ engagements against some of the category of the Staff Artists posts were made by All India Radio Stations from time to time and as per the directions of the C.A.T., they had sought certain information in the prescribed form in respect of those persons who were engaged as Casual Production Assistants till 31.12.1991.

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9. The applicants prayed for regularisation of their services in the All India Radio. As per the averments made by them it appears that they were engaged on contract basis, and their duties were in the nature of assisting the staff. They were engaged only whenever there was work or necessity of their assistance either in production of any of the serials or on any subject or programme of importance.

10. The applicants have along with their reply furnished Annexure-A.I the details showing the remunerations they were paid and the days they had worked. From this it can be said that they were not working regularly.

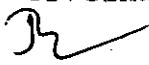
Further they submit that in accordance with the directions of the Principal Bench of the C.A.T. the A.I.R. authorities had formulated the scheme. Even they have not produced a copy of the same before us to ascertain whether the applicants have rendered any minimum service for regularisation or they possessed any qualification for such regularisation. As already submitted, the Director General, All India Radio by his letter dated 15.6.1993 had requested the Station Directors of All India Radio to furnish certain information as to the persons who were engaged on contract basis in the All India Radio. If the applicants were similarly placed and had sufficient number of days of work in a particular year in accordance with the said scheme, then the Station Director could have definitely recommended their names to the Director General, All India Radio, New Delhi. The applicants did not submit that they were eligible for regularisation in accordance with the scheme. The respondents have denied the particulars of service rendered by the applicants. In the absence of definite service particulars of the applicants and in the absence of the scheme prepared by the Director General, All India Radio, it may not be proper for this Tribunal to give any direction as to regularisation or otherwise of the services of the applicants.

11. The learned counsel for the respondents in support of their contentions raised in their reply, have relied upon the order dated 24.4.1998 passed by this Tribunal in O.A. No.880/95 (C.Vijaya Lakshmi v. Government of India and others). In that case the applicant therein also sought for regularisation of her service.

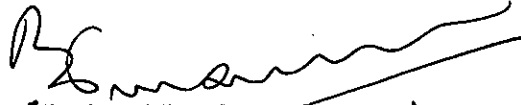
12. This Bench had decided earlier O.As.968/95 and 955/94 on 3.7.97. In both the O.As the applicants were Casual Compere/Production Assistants and General Assistants engaged on contract basis during 1987 and 1982 onwards respectively. In those two O.As this Tribunal held that the scheme dated 18.9.1992 initiated on the basis of the directions of the Principal Bench of the C.A.T. is applicable only for regularisation of the Casual Production Assistants and General Assistants and that scheme cannot be made applicable to the General Announcers/Comperes like the applicants in those two O.As. Hence those two O.As were dismissed for the reasons stated in those O.As.


13. Taking the same view, we also dismissed the O.A. No.880/95. In this case also the respondents clearly submit that the applicants were working as Casual Comperes/Announcers. In that view of the matter, we find no reasons to direct the respondents to regularise the services of the applicants in the A.I.R.

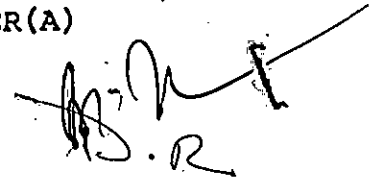
14. The applicants may take their chance by appearing for the test for the post whenever notified by the Staff Selection Commission. Further, we reiterate the observations made by this Tribunal in O.A.No.968/95 decided on 3.7.97 (Jayalakshmi v. Government of India and others) and O.A. No.955/94 decided on 3.7.97 (Smt.V. Ramani and others v. Government of India and others).



15. In view of the above, we find no merits in this O.A. and the O.A. is liable to be dismissed. Accordingly, the O.A. is dismissed, leaving the parties to bear their own costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)


(R. RANGARAJAN)
MEMBER(A)


S.R.

Dated the 5th May, 1998.

DJ/

OA.1385/95

Copy to:-

1. The Secretary to 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, Govt. of India, Kothagudem, A.P.-101.
4. One copy to Mr. Y.Suryanarayana, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to BSJP M(J), CAT., Hyd.
7. One copy to U.R.(A), CAT., Hyd.
8. One duplicate copy.

SRR

15/5/98
(8)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI. PARAMESHWAR :
M (J)

DATED: 5/5/98

ORDER/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

O.A.NO. 1385/95

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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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH
12 MAY 1998
Despatch
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विभाग/APPAL SECTION