

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 1727 OF 1997

Date of Order : 15-7-1998

BETWEEN :

- | | |
|--------------------------|-----------------------|
| 1. M. Geeta | 25. M.L.N. Srinivas |
| 2. K. Uma Rani | 26. G. Krishna Prabhu |
| 3. CH. Suryanarayana | 27. K. Chakravarthi |
| 4. G. Subhash | 28. JEL Kameswari |
| 5. A.V. Krishnamohan | 29. B. Bhagya Laxmi |
| 6. R.C. Premsagar | 30. Y. Anuradha |
| 7. A.V. Nageswara Rao | 31. B. Krishna |
| 8. D. Madhusudhan Rao | 32. Md. Samiuddin |
| 9. S. Ravi Kumar | 33. Fasiuddin Ahmed |
| 10. S.A. Rajendra Prasad | 34. B. Eswar |
| 11. Mohd. Hameeduddin | 35. Syed Qamaruddin |
| 12. S. Narsing Rao | 36. S. Srinivas |
| 13. K. Veeranna | 37. S. Chandra Goud |
| 14. Mohd. Yusuf | 38. Ch. Guru Murthy |
| 15. G. Venkat Narsu | 39. V. Praveen Kumar |
| 16. A. Rama Rao | 40. W. Ravindra Das |
| 17. P. Dakshina Murthy | 41. Ch. Krupavaram |
| 18. T. Kalpana | 42. T. Sudarshan |
| 19. T. Sumathi | 43. S. Ajay Krishna |
| 20. K. Vasundara | 44. T.A. Narasimhan |
| 21. T.D. Sujatha | 45. M. Palleswara Rao |
| 22. U. Mary | 46. E. Srinivasulu |
| 23. B.S. Trimurthy | 47. E. Ramesh |
| 24. P. Rammohan Rao | ... |

APPLICANTS

AND

1. The Director, Doordarshan Kendra
Ramanthapur, Hyderabad.
2. The Director General,
Prasar Bharti (Broad Casting)
Corporation of India
Copernicus Marg
New Delhi 110001.
3. The Union of India represented
by its Secretary to the
Ministry of Information and Broadcasting
New Delhi.

... Respondents

(49)

COUNSEL FOR THE APPLICANTS : SHRI V. AJAY KUMAR
COUNSEL FOR THE RESPONDENTS : SHRI V. BHIMANNA

CORAM :

THE HON'BLE SHRI R. RANGARAJAN - MEMBER (A)

(ORDER PER HON'BLE SHRI R. RANGARAJAN, MEMBER (A))

Heard Shri Ajaya Kumar for the Applicants and Shri V. Bhimanna for the Respondents.

There are 47 Applicants in this O.A. They are working in Doordharshan Kendra, Ramanthapur, Hyderabad. It is stated for them that they are empanelled for regularisation as Casual Artists in Doordarshan, in pursuance of the judgement in O.A. 563/86 dated 14-2-1992 of the Principal Bench, New Delhi.

The Applicants in this O.A. submit that they are similarly situated to the Casual Artists under various categories employed else where in Doordarshan Kendras. As they are similarly situated they are also entitled for monthly contracts as given to the Casual Artists of other Kendras. As this was not agreed to this O.A. is filed.

This O.A is filed praying for a direction to the Respondents to engage the Applicants for whole of the month in their respective categories by giving them monthly contracts till their services are regularised permanently.

An Interim Orders has been passed in this O.A. The Interim Order reads as follows :-

"The Respondents shall engage the Applicants for as many days as possible, beyond ten days as at present, and for an entire month, if feasible, or atleast to

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the fullest extent upto which work may be available for them to perform in a month in their respective trades. It is clarified that this interim order would not confer any claim of constitute a vested right on the applicants, and shall be subject to review depending on the outcome of the O.A."

A reply has been filed in this O.A. by R-1. It is stated in the reply that the workload available in the Doordarshan Kendra, Hyderabad does not require monthly contracts and the Applicants herein are engaged to the extent work is available.

The Learned Counsel for the Applicants submits that R-1 is not the Competent Authority to decide the work-load available here and compare it with the work-load available elsewhere in other Doordarshan Kendras and only R-2 is the Competent Authority to decide the issue. As R-2 has not filed a reply in this connection a direction has to be given to file a reply in this O.A. The second contention of the Applicants is that as they are similarly situated as the Casual Artists in other Kendras, they are also entitled to monthly contracts as so given to the Casual Artists of other Kendras. If that is not done then the Principle of Equality will be violated by the Doordarshan.

I have considered both the contentions. The work-load in a Kendra is to be decided by the officials in-charge of the Kendra. The Director General who sits in Delhi cannot assess the work-load and he has to depend on the Director of the Kendra to decide the work-load. Hence, filing of the reply by R-2 may not be necessary in this case and reliance on the reply given by R-1 cannot be faulted. The Applicants are no doubt similarly situated as the Casual Artists in other Kendras in so far as it relates to their ^{emoluments} ~~emoluments~~ for regularisation. But.

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in regard to the work-load given to them, they cannot compare themselves with the Casual Artists of other Kendras unless the Applicants produce the duty list of those Kendras and compare the same with the duty list of Hyderabad Kendra. As such, a duty list is not available it has to be held that the Applicants have not made their position clear. But on that account I feel that it is not justifiable to dismiss this case.

The work-load varies from Kendra to Kendra. If in a Kendra the work-load is for a whole month ^{then Casual artists} ~~they~~ have to be ^{employed for a longer period} ~~higher~~ compared to a Kendra where the work-load is less. That difference in pay cannot be equated as a violation of the Principle of Equality.

As the Applicants are complaining that their work-load is same as the work-load of other Kendras, they are at liberty to find out the work executed by similar Casual Artists in other Kendras, namely, Madras and submit a detailed representation to R-2 for granting them monthly contract. If such a representation is received, R-2 should examine the same and decide the issue in accordance with the law, within 2 months from the date of receipt of such a representation. On receipt of a copy of the representation R-1 should also ^{compare} ~~get~~ the work-load of the Casual Artists in the other Kendras and Hyderabad Kendra.

The Learned Counsel for the Applicants submits that order exists that only monthly contracts should be given irrespective of the work-load. But the Annexure A-6 (page 16 to the O.A.) shows that even in New Delhi Kendra the work-load given is only for 15 days. Hence, this submission of the Applicants cannot be taken at its face value.

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In the result the following direction is given :-

The Applicants, if so advised, may submit a detailed representation comparing their work-load with any other Kendra to R-2 within 10 days from the date of receipt of a copy of this judgement.

If such a representation is received, the same should be disposed of by R-2 within a period of 2 months from the date of receipt of a copy of the representation.

If the Director General is of the opinion that even without work-load ^{a#1} / the Applicants herein should be given monthly contracts, he should advise R-1 accordingly.

With the above direction, the O.A is disposed of.

No costs.



(R. Rangarajan)
Member (A)

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DICTATED IN OPEN COURT

DATED : 15-7-1998

...js/-

Handwritten signature
D.R. *10/7/98*

OA.1727/97

Copy to:-

1. The Director, Doordarshan Kendra Ramanthapur, Hyderabad.
2. The Director General, Prasar Bharti (Broad Casting), Corporation of India, Copernicus Marg, New Delhi.
3. The Secretary to the Ministry of Information and Broadcasting, New Delhi.
4. One copy to Mr. V. Ajay Kumar, Advocate, CAT., Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
6. One copy to D.R. (A), CAT., Hyd.
7. One duplicate copy.

SFF

23/7/98 (7)

II COURT

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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:

15/7/98

ORDER/JUDGMENT

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

in

O.A.NO.

1727/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक न्यायिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

23 JUL 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH