

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 152/95

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SECTION OFFICER (Judl.)

5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

ORIGINAL APPLICATION NO: 152/95

MISC. PETITION/ REVIEW APPLICATION/CONT. PETITION NO.

.....N.K. Wang. Wangso.... APPLICANT(S)
versus

.....U.O.I. Town..... RESPONDENT(S)

17.8.95

Mr P.J.Saikia for the appli-
cants.

This application is in
form and within time.
C. F. of Rs. 50/-
deposited vide
IPO/ED No. 326783
Dated 8.8.95

Shimih
By, Registrar (d)

Issue notice to the respon-
dents 2, 4 and 5 to show cause as
to why the application be not admi-
tted and appropriate interim relief
be not granted. Returnable on 4.9.95
Prayer for interim relief will be
considered after the respondents are
served on 4.9.95.

60
Member

bill
Vice-Chairman

Pg

22/8

4.9.95

Mr P.J.Saikia/MR A.K.Choudhury.

Mr Choudhury, Addl. C.G.S.C brings

to our notice the communication recei-
ved from the Staff Selection Commission
dated 29.8.1995. That shows that gra-
duation is an essential qualification
for the post of Transmission Executive
and both the applicants do not possess
that qualification. However, as far
as their claim for regularisation as
Assistant Editor is concerned the
matter raised with the Station Director
All India Radio, Dibrugarh respondent
No.2 who has not so far filed the show
cause reply. In the circumstances the
O.A. is admitted. The respondents to

contd...

4.9.95 file written statement within 8 weeks. Since the prayer for interim order relates to the post of Transmission Executive we are not inclined to grant the same. Liberty however is given to the applicant to apply for such interim relief as may be called for in respect of the post of Assistant Editor when occasion may arise.

Adjourned to 13.11.95 for orders.

Mr Choudhury is requested to supply a xerox copy of the communication of the Staff Selection Commission referred to above for record.

Member

Vice-Chairman

pg

12/99

10.10.95

w/s submitted on behalf of the Respondents No. 1, 2, 3 & 5.

14.11.95

Adjourned to 8.1.1996 for fixing date of hearing.

Member

Vice-Chairman

pg

19/94

16.11.95

show cause on behalf of the Respondent No. 4 has been submitted by order.

8.1.96 for leaving 15.2.96 ✓

15.2.96 for leaving in 10.4.96 ✓

2.10.96

OFFICE NOTE

DATE

ORDER

16.2.96

Addl and W/S
submitted by the
respondents.

10.4.96

Case is ready for hearing on

31.5.96.

List for hearing on 31.5.96.

Member

pg

31.5.96

Mr N.K.Barua for the applicant. Mr.
A.K.Choudhury, Addl.C.G.S.C for the
respondents.

At the request of Mr N.K.Barua
hearing adjourned to 12.6.96.

Member (A)

Member (J)

pg

30.5.96

Notice duly
served on
respond No 2.

12.6.96

Mr. P.J.Saikia for the applicant.

Mr. A.K.Choudhury, Addl. C.G.S.C. for the
respondents.

Written statement has been submitted and served
on the counsel of the applicant today. The
learned counsel for the applicant seeks time.
for perusal of the written statement. Allowed.

List for hearing on 4.7.96.

Member (J)

Member (A)

trd

17/6

1) Notice duly served
on op. No. 4 & 5.

2) W/S statement & Addl.
W/S statement has been
filed.

22/5
30/5

1) Notice duly served
on op. No. 2, 4 & 5.

2) W/S statement & Addl.
W/S statement has been
filed.

22/6
17/6

4-7-96

Learned Addl.C.G.S.C. Mr.A.K. Choudhury is present for the respondents. List for hearing on 5-8-96.

lm

Member

5.8.96

None for the applicant. Mr A.K. Choudhury, learned Addl. C.G.S.C., for the respondents.

List for hearing on 3.9.96.

Member

3.9.96

Mr N.K.Barua for the applicant. Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

List for hearing on 27.9.96.

Member

pg

3/9

27-9-96

Mr.N.K.Baruah for the applicant. Addl.C.G.S.C. Mr.A.K.Choudhury for the respondents.

List for hearing on 15-11-96.

Member

lm

27/9

W/Statement to Addl. W/S.
has been filed.

28/9

1) Notice duly served on
Respondents no. 2, 4 & 5

2) W/Statement to Addl.
W/Statement has been filed. nkm

27/9

W/Statement to Addl. W/S.
has been filed.

26/9

5

O.A. No. 152 of 1995

15.11.96 Mr. N.K.Barua for the applicant.
Mr. A.K.Choudhury, Addl. C.G.S.C.
for the respondents.

List for hearing on 13.12.1996.

62
Member

pg

m
15/11

7-5-97

Learned counsel for the parties
submit that this case is ready for
hearing.

Let this case be listed for hearing
on 25-6-97.

62
Member

SL
Vice-Chairman

lm

815

25-6-97

A.Wangso the applicant is found
absent on call. Learned counsel for the
applicant is not present. Mr.A.K.Choudhury
Addl.C.G.S.C. is present in Court.
Accordingly, the case is dismissed for
default. of the applicant.

62
Member

SL
Vice-Chairman

27.87

lm

30/10

Copy of order
has been sent to
the D/Sec for issuing
the same to the L/As.
for the parties.

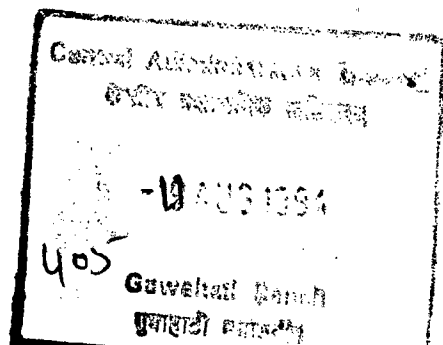
2/2

Issued vide

D. Nos. 2284 & 2285-

4.7.97

4/11



APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985:

ORIGINAL APPLICATION NO. 152/95

TITLE OF THE CASE:- SRI NOKWANG WANGSO & ANOTHER

-Versus-

THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF INFORMATION AND BROAD-
CASTING AND OTHERS.

I N D E X

SL.NO.	DESCRIPTION OF THE DOCUMENTS RELIED UPON.	PAGES
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02.	ANNEXURE- 01(Cast Certificate) ::	13-x
03x	ANNEXURE- 02(-do-) ::	14-x
03.	ANNEXURE- 03(Appointment Order)::	15-x
04.	ANNEXURE- 04(-do-) ::	16-x
05.	ANNEXURE 05(Representation dated 24/9/93) ::	17-21
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07.	ANNEXURE- 07(Representation dated 4/7/95) ::	25-27
08.	ANNEXURE- 08(Advertisement No. 2/95 dated 15/7/95)::	28-x

09. W/s on behalf of Regt. 1,2,3,95 29-33

Date of Filing 11/8/95 Show Cause on behalf of 34-35

11/8/95 Report No-4 Filed through

(P.J.Baikia)
Advocate

Recd. copy
A.K. Choudhury
11/8/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BRANCH
GUWAHATI

ORIGINAL APPLICATION NO 152/1995

1. Sri Nokwang Wangso,
S/o Late Noknai Wangso,
Assistant Editor, All India Radio, Dibrugarh
Police Station and District- Dibrugarh,
Assam.
2. Sri Kangkani Mamai,
S/o Sri Wangbai Mamai,
Assistant Editor,
All India Radio, Dibrugarh,
P.S. & Dist.- Dibrugarh, Assam.

ooooo

PETITIONERS


-Versus-

1. The Secretary to the Govt. of India,
Ministry of Information and Broadcasting,
New Delhi.
2. The Station Director,
All India Radio, Dibrugarh,
District- Dibrugarh, Assam.
3. The Programme Executive,
All India Radio, Dibrugarh,
Dist.- Dibrugarh(Assam)
4. The Regional Director, Staff Selection
Commission, ~~All India Radio~~ ^{N.E.R.}, Guwahati, Assam.
5. The Deputy Director General(NER),
All India Radio, Guwahati.

.....

RESPONDENTS



Filed by the petitioners
through:- 
(P.S. Dibrugarh)
11/8/95

DETAILS OF THE APPLICATION

A. Particulars of the grievances against which the application is presented:-

The application is made against non consideration of the case of the petitioners for regularising their services in their respective posts inspite of ^{they} being working as casual employee for more then 4 years continuously without any break in service as well as the Advertisement issued by the Staff Selection Commission published in the Assam Tribune on 15/7/95 inviting applications for filling up of Five Transmission Executive(Dialect & Translator) posts, All India Radio,Guwahati.

B. JURISDICTION OF THE TRIBUNAL:- The petitioners declares that the subject matter of the grievance against which they want redressal is within the jurisdiction of the Tribunal.

C. LIMITATION:- The Petitioners declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act 1985, as the present matter is urgent one.

D. FACTS OF THE CASE:-

1) That the petitioners are the citizens of India and permanent resident of Arunachal Pradesh. The petitioners are indigenous to the State of Arunachal Pradesh and belongs to Wancho and Tangsa tribe which are recognised as Schedule Tribe of Arunachal Pradesh. The petitioner have passed the Senior School Certificate Course.

The copies of the caste certificates are annexed as annexure A₁ and A₂

2) That in the year 1988, a few posts of Assistant Editors fell vacant in the All India Radio, Dibrugarh for different dialects prevailing in Arunachal Pradesh including Wangchu and Tangsa dialects, The nature of jobs of Assistant Editors includes Editing the news and reading, preparation of programmes with music items, monthly tape scheduling, recording of artists, dubbing, artist booking, doing the coverage etc. inconnection with the dialect language. And for that purpose, as was informed by the authority, the qualification of a candidate should be Intermediate, Pre-University 2 years course, senior School leaving Examination passed or such equivalent qualification which is recognised by any Indian University or Board as the case may be. In addition to the aforesaid educational qualification, the candidate should also have (1) Proficiency in the language/ dialect, acquaintance with the culture, traditions and literature of the area concerned, (2)- Knowledge of National and International affairs (3) Ability to translate from Hindi/English (4) Suitable voice for broadcasting (5) Knowledge of the other languages of the area concerned etc.

3) That on coming to know about the aforesaid vacancies, the petitioners applied for the aforesaid vacant posts of Assistant Editors in their respective dialects i.e. Wangchu and Tangsa. On receipt of their application along with the other candidates, the

respondent.....

respondent No.2 invited the petitioners alongwith other eligible candidates to appear in a selection process. Accordingly the petitioners had gone through the oral, written, language proficiency, voice testing etc. and the petitioners came out successfully.

4) That after the selection of the petitioners as Assistant Editors in Wangchu and Tangsa dialects, the respondent No.3 informed the petitioners that they are at present only engaged as usual employee but after acquiring necessary training in the post they will be absorbed and for that purpose they will be paid salaries by the Government and accordingly the petitioners were engaged from time to time but without any break since 1991 in the said posts. The petitioner No.1 was appointed vide order dated 18/3/91 issued by the respondent No.3 initially for a period of 5 days w.e.f. 17/3/91 to translate news and present the Wangchu programme due to the absence of one Sri Hipho Wahgpan casual Assistant Editor of Wangchoo Programme and it was continuously renewed till today. The petitioner No.2 was appointed vide order dated 30/3/91 issued by the respondent No.3 w.e.f. 1-4-91 against the vacant post of Assistant Editor of Tangsa dialect. The appointment of the petitioners were also duly approved by the respondent No.2

The copies of the appointment letters of the petitioners are annexed as

Annexure- A3 and A4 respectively.

That...

5. That though the petitioners were appointed in the said post as casual employees only for a fixed period but the same were renewed continuously and they have been serving in the said posts till today like a regular employee continuously. But the authority, uptill now, has not taken any steps in this regard and their salaries are also paid as a monthly rated worker.

6. That while the petitioners were awaiting for regularisation of their services as promised by the authority and as expected by the petitioners, the respondent No.4 issued an advertisement vide no 2/92 NER 20 for filling up certain posts of Assistant Editor in Arunachal Pradesh dialect programme. The number of vacant posts were as follows (1) Tangsa-2(ii)Notte-2 (iii)Wanchoo-2(iv) I du-1,(v) Hdi-1,(vi) Tagen-1, (vii) Khamti-1, (viii) Mizo Missioni dialect programme-1 post. ~~As a~~ Surprisingly, in the said advertisement the educational qualification of the candidates were fixed as graduate with 2nd class. The petitioner applied for the said posts but they were not invited for the interview.

7. That being aggrieved, the petitioners submitted their joint representation along with other Assistant Editors whose cases are also similar to these petition on 24/9/93 before the Deputy Director General (NER) All India Radio, Guwahati stating therein that they

have.....

have been working in the vacant posts for last several years, to the satisfaction of the authority without any break in service and further that they are continuing in the said posts only on the legitimate expectation that as the Govt utilising their services continuously and the time, energy and public money spent on them is properly utilised, they would be regularised in due course. The petitioners have missed several opportunities in other Government offices. Therefore, at this stage as mentioned in the advertisement, if the eligible qualification is not relaxed or the petitioners are not absorbed in those vacant posts, great hardships and injustices would be caused to them. But the authority did not consider the case of the petitioners for regularisation although their services are not at all disturbed.

A copy of the representation is annexed
as Annexure- A-05.

8. That the petitioners thereafter also submitted several representations from time to time for regularisation of their services on the similar reasons mentioned above but the authority though verbally assure for redressal of their grievances but in fact has not done any thing. Further nobody was also appointed in pursuance of the said advertisement.

9. That thereafter again in the year 1994 the respondent No.4 invited applications for filling up of the posts of Assistant Editors and this time also they were not invited for the interview. Therefore, the petitioners again submitted their joint representations ~~before~~ before...

before the respondent No.1 and stating therein among-
others that the petitioners have been working in the
posts of Assistant teacher for last 6/7 years and put
their valuable time and effort in discharging their
duties to the satisfaction of the authority. A few of
them already crossed their age. The petitioner further
stated that though they are appointed as casual worker
they have been doing the job like other regular employee
discharging full responsibility in their respective dia-
lect programme and have gathered vast experience in the said
said field. Therefore deprivation of the petitioner
from appointment of the petitioner from appointment in
pursuance of the advertisement only on the ground of
educational qualification it is arbitrary and illegal
and further as they have been discharging full duty
like the other regular employees, the payment made to the
petitioners as monthly contractual workers denying the
other incidental benefit also violates the principles
of equal pay for equal work. Therefore, the petitioner
prayed that only on the ground of experience in the
said post for several years together and the experiences
gathered and also on the nature of duty and responsibi-
lity they are discharging their services ought to be
regularised in the said posts.

Two copies of such representations are
annexed as Annexure- A-06 and A-07.

That...

10. That the petitioners submits that while they were expecting a favourable consideration of their repeated representation which are pending before the respondent No.1 and 2, the respondent No.4 again vide his advertisement No.2/95 published in the Assam Tribune in its issue dated 15/7/95 has invited applications for filling up of Five Transmission Executive(Dialect and Translation), AIR, Guwahati from the candidates having minimum qualification of Degree from recognised University. The other requisite qualifications for the said posts are similar to those which were required from the petitioners at the time of their selection for the posts of Assistant Editor in Arunachal Pradesh dialect language programme. In the said advertisement it was further stated that the nature of the service to be rendered by a Transmission Executive(Dialect and Translation) are exactly similar to that of the service the petitioners are rendering for last 5/6 years.

A copy of the advertisement dated
15/7/95 is annexed as Annexure-A-08

11. That the nature of duties to be discharged by a Transmission Executive(Dialect and Translation) as mentioned in the advertisement dated 15/7/95 is the same of an Assistant Editor, Arunachal Pradesh dialect language programme. Therefore, the petitioners reasonably believe that the post of Assistant Editor has been

redesignated....

redesignated as Transmission Executive(Dialect & Translation) and the vacant post in which the petitioners ought to have been regularised being now published in the advertisement denying the legitimate expectation of the petitioners.

12. GROUND'S OF RELIEF WITH LEGAL PROVISIONS:

- A) That the petitioners having ~~de~~quired sufficient training in the job and the ~~energy~~ and public money spent on them is properly utilised, it is the legitimate expectation of the petitioners that the same would^{not}/be allowed to go waste. The petitioners submit that preference should be given to them over direct recruit in the nature of employment and they are to^{be} regularised in the post they are holding.
- B) That at the time of selection of the petitioners for the posts of Assistant Editor, of Wangsho;Tangsa Programme, the authorities having been satisfied with the required qualification etc. the authority is duty bound to appoint them in the vacant post for which they were selected.
- C) That the petitioners having been employed as casual employee ^{Prior to} since 1991 from time to time and having been continuously engaged without any break in service since 1991 for last 4 years , only^{on the assurance made by} the respondent authority to regularise their services, the respondent ~~and~~ authority is now estopped from denying the regularisation of the service of the petitioners.

That...

D) That the nature of duties which the petitioners are discharging is of a regular employee therefore, the respondent must adopt the principle of equal pay for equal works and grant the similar benefit as granted to the regular employees.

E) That continuous services rendered by the petitioners clearly proves that there is a permanent need for the jobs therefore, the respondent authority ought to have regularised the service of the petitioners who are qualified and competent.

F) That the petitioners having fulfilled all the requisite qualification at the time of their initial appointment and by now having gathered sufficient experience in that field, the respondent authority is estopped from denying regularisation of the service of the petitioners now on the ground of present ^{requisite} regularised qualification for the posts.

12. That advertisement dated 15/7/95 clearly mentioned that there are 2 vacant post in Wangchoo dialect and one in Tangsa Dialect, the petitioner can easily be regularised in the said post. •

Details of Remedies Exhausted:- The Head of the office of AIR, Dibrugarh is the Director who is also the appointing authority of the petitioners and he was apparised of several times and also the matter was brought to the notice of the respondent No.1 who is the highest authority.

Contd...

14. MATEERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The petitioners further declares that they have not previously filed any application, regarding the matter before any other court, Tribunal nor any such application is pending before such Court or Tribunal.

15. RELIEF(S) SOUGHT:- In view of the facts and grounds mentioned above the petitioners pray for a direction to the respondent authority to regularise their services in ~~their~~ respective post of Assistant Editor (Transmission Executive (Dialect and Translation)) with the date of the initial date of joining.

(b) The petitioners pray for a direction to respondent authority to provide the salaries and other benefits to the petitioner as applicable to the regular employees.

(c) Any other appropriate relief as the Hon'ble Tribunal may deem fit and proper.

16. INTERIM ORDER IF ANY PRAYED FOR: Pending final decision of this application the respondent No.4 may be directed not to fill up the post of Transmission Executive (Dialect & Translator) ~~more~~ particular 1 post each in Wangchoo and Tangsa dialect as advertised by him in daily issue of Assam Tribunt dated 15/7/95 vide advertisement No.2/95.

17. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED IN RESPECT OF APPLIATION/

Fee Rs.50. vide IPO no. 09326783

List of Annexures
as per the Index.

Verification...

VERIFICATION

We (1) Sri Nokwang Wangsu, S/O Late Noknai Wangso,
and (2) Sri Kongkam Mamai, S/O Sri Wangbai Mamai both
working as Assistant Editor at All India Radio,
Dibrugarh within the jurisdiction of Dibrugarh
Police Station, District- Dibrugarh do hereby
verify that the contents of para A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, 1, 2, 3, 4 are true
to our knowledge and those made in paragraph . . .
are being matters of record true to my knowledge which
we believe to be true and rests are humble submissions. . .

Kongkam Mamai
(Petitioner no. 2)

10/8/95

Nokwang Wangsu
(Petitioner no. 1)

10/8/95

TRIBE CERTIFICATE

Amazone - 01

NO. JUD-106/89 / 785

Dated, 01/2/ '90

This is to certify that Shri/Smti/Miss NOKhang
Wangsu son/daughter/wife of Shri/Late
NOKhai Wangsu resident of CHHOIG
Kamboi Circle, Tirap District, Arunachal
Pradesh belongs to NANCHO Community, which is
recognised as Scheduled Tribe under the Scheduled Tribe List
(Modification) Order (Amendment) Act, 1956.

Shri/Smti/Miss NOKhang Wangsu
and his/her family ordinarily resides in Tirap District, of
Arunachal Pradesh.

Place: - WUDNSA

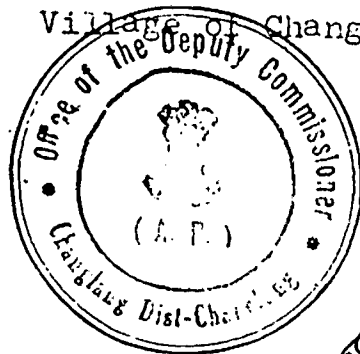
[Signature]
Deputy Commissioner
Tirap District
Arunachal Pradesh

[Signature]
(P. S. Saikia, Adm. Secy.)

14
Annexure - 02

Dated Changlang the 11/11/90

Shri/Smt./Kumari KONGKAM MAXIMA
and his/her family reside(s) in RANGKATU
Village of Changlang District, Arunachal Pradesh.



Signature
 Deputy Commissioner
 (Ward District Changlang)
 Changlang.

attached
(P. J. S. Proc.)

-15-
22.

Annexure- 03

Shri Hipo Wangpan Casual Asstt. Editor(monthly contract) of Wanchoo dialect programme is under treatment and presently Shri L.Chama alone is working. In the event of emergency like illness, casual hand may not be available at Dibrugarh to look after the programme. Shri L.Chama was suffering from fever on 17.3.91 and Shri Nokwang Wangsu was booked. Hence it is also proposed to book for another five(5) days including 17.3.91 to 21.3.91 to translate news and present the Wanchoo programme.

Put up SD's kind approval please.

Sd/-Illegible
18/3

- * 1 Casual booking on 17th
approved
2 from 25th to 31st March
on monthly contract basis

Sd/-Illegible
18/3

checked
Pur
(P. J. Sarkar, Asstt. Secy)

Annexure-04

Sub:- Casual booking(monthly in Tangsa Programme

Shri Hompa Taiju casual Asstt.Editor along is looking after Tangsa dialect programme as Shri Phargoo Taidng casual Asstt.Editor monthly contract has left AIR Dibrugarh on 28.2.91.

Hence Shri Kongkam Mamai on approval casual Asstt. Editor is proposed to book for monthly contract with affect from 1st April 1991 onwards to translate news into Tangsa dialect and present to programme.

Submitted for Station Director kind approval please.

(W.Wanjen)

Programme Executive
30/3

Approved

Sd/-Station Director
Sri M.K.Sing
30/3

attested
(P.S. Saha, Director)

Annexure- 05

To

The Deputy Director General(NER)
All India Radio,
Chandmari, Guwahati-3.

Dated Dibrugarh, the 24/9/93

Sub:- Memorandum for regularisation of service.

Hon'ble Sir,

I on behalf of casual Assistant Editors of all India Radio, Dibrugarh, would like to bring the following our heart p inched grievances before you for your kind sympathetic and humanitarian action please.

1) That Sir, we the under mentioned persons have been working on monthly contract basis as casual Assistant Editors in Arunachal Pradesh dialects programme at All India Radio, Dibrugarh since 5/6 years back satisfactorily and without any service break against the existing regular vacancies hoping in anticipation that the All India Radio authority would absorb us straightway in the due course of time. But, our long anticipation is as the stage headache and burning for fulfilling our grievances.

2. A year ago, advertisement for filling up of the vacant post of Assistant Editors in Arunachal Pradesh dialect programme, were flushed by the S.S.C., Guwahati, in which it was mentioned that the requisite educational qualification for the post of Assistant Editors must be IInd class graduate. In this context we deeply want that we should be absorbed/ recruited straightway in accordance with the same channel and same recruitment rules through and by which those Assistant Editors were recruited. Thereby our educational qualification may also be released.

We...

3. We have acquired vast experience relating to the works of Assistant Editors and we are more capable of dealing with the duties of Assistant Editors as we have been doing same work for last 5/6 years, thereby we will be more efficient than the fresh appointees of the post.

4) As the provision of relaxation of qualification and age for scheduled caste and scheduled tribes are in existence, which are being carried out by all the government departments. In this context we feel that we should also be given certain relaxation in educational qualificational and other aspects which are not given by the All India Radio authority at present. We strongly semand that we whould not be deprived of our legal rights.

5) Having seen the non response from the All India Radio authority, we are under apprension of being dropped out of our services for which we seek your protection and justification.

6) If all India Radio authority fed that we the casual Assistant Editors are unqualified for the post of Assistant Editors, we should have not been engaged in All India Radio, Dibrugarh on contract basis and should have not been entrusted with the work of Assistant Editors for such a long duration of 5/6 years, contanously thereby we would have been absorved in other services.

7) Now it is understood that some of us are become over aged, after joining as casual Assistant Editors at All India Radio, Dibrugarh for which we are unable to joint on other government serviees. Now we are in great incoveni-
encs and difficulties, as such, if we the casual Assistant Editors are dropped out from All India Radio, Dibrugarh, it would be intolerable and unjustifible when may create unex-
pected crucial situations.

As....

8. As we are all aware of specific special drives scheme launched by the government of India for absorbing scheduled castes and tribes candidates in different govt. departments against the dead-looked vacancies. Also we are aware of specific instruction of Hon'ble Prime Minister of India on his concerned to give the scheduled castes and scheduled tribes, their due shares and special measures are being taken up by the different govt. departments to fill up the vacancies relating to the scheduled castes and scheduled tribes. Hence, this special scheme may kindly be implemented in favour of us.

9) We the casual Assistant Editors are bonafied scheduled tribes candidates from Arunachal Pradesh, hence we do request All India Radio authority to take up special measures as the other govt.. departments do, thereby we may be absorbed in All India Radio Dibrugarh straightway at earliest against the dead-locked existing regular vacancies lying in Arunachal dialect programme.

10) If the existing regular vacant posts of Assistant Editors are filled up from fresh candidates through the S.S.C., Guwahati, it would create big havocs and untold pains to the present casual Assistant Editors and as the S.S.C., would select those fresh candidates having educational qualification not below the graduate. But these fresh candidates may face difficulties as they are inexperienced in performing duty. And on the other side we would be deprived of our legal and natural rights.

11. In All India Radio, Dibrugarh all Arunachal Pradesh dialect programme have two Assistant Editors except Tagin and Khampti programmes which has one Assistant Editors ~~except~~ each. Therefore, it is requested to sanction two more post in Tagin and Khampti dialect programme respectively

within....

respectively within an early date.

12. In the last August, 1992, we have submitted our applications with detail documents in response to the advertisement No.2/92 NER-20 flushed by the S.S.C. Guwahati against the vacant post of the following dialect programme.

- | | | |
|-------|--------------------------------|-----------|
| i) | Tangsa dialect programme | - 2 posts |
| ii) | Nocts " " | - 2 posts |
| iii) | Wanghoo "" " | - 2 posts |
| iv) | Idu " " | - 1 post |
| v) | Adi " " | - 1 post |
| vi) | Tagin " " | - 1 post |
| vii) | Khampti " " | - 1 post |
| viii) | Nizu Mishimi dialect programme | - 1 post |

Note:-Mizu Mishimi dialect programme post is vacant recently due to the death of regular Assistant Editor, Late Antheso Tumblu on 22/293.

Pr sently serving as casual Assistant Editors in Arunachal Pradesh dialect programme is clearly mentioned on page No.4 with date of joining.

But yet, our longfelt expectation of getting positive intimation from you for conducting interview for regularisation of our services is solicited.

Finally, once again we do request your good honour to regularise our services straightway through the S.S.C., Guwahati or other means which you deem fit and the necessary demand may kindly be fulfilled in an early date for which we shall remain duty bound ever pray and grateful to you.

Yours faithfully,

Sd/-Illegible

Convenor,

Casual Asstt. Editors
Arunachal Pradesh Dialect Programme
All India Radio, Dibrugarh.

Contd...

Casual Assistant Editors serving on monthly contract basis since 5/6 years till now are as following with their date of joining:-

S.No.	Name of candidate	Date of Joining	Dialect Prog	Sign.by
1.	Sri Nongming Longchang	4/7/91	Tangsa Prog	Illegible
2.	" Kongkam Mamai	16/2/91	-do-	-do-
3.	" Telian Tangjang	10/7/91	Nocte	-do-
4.	Miss Chamey Rajkumari	18/3/86	Nocte-	C.Rajkumari
5.	Sri Nokwang Wangsu	7/2/91	Wanchoo-	Illegible
6.	" Banyam Ponglaham	5/12/91	-do-	-do-
7.	" Sudu Melo	5/4/90	Idu	S.Melo
8.	Miss Jumyo Bam	5/1/92	Adi	Illegible
9.	Sri Rajiv Rai	6/6/89	Tagin	R.Rai
10.	C.T.Manchechom	13/3/84	Khampti	
11.	K.K.Lum Pul	21/4/93	Mizu Mishimi Prog.	

Copy to:-

1. The Hon'ble Minister of Information and Public Relation, Arunachal Pradesh, Itanagar with a request to persue the prayed matter with Information & Broadcasting Minister, New Delhi for early action.
2. The Hon'ble Chief Minister of Arunachal Pradesh, Itanagar for his kind information & necessary action please
3. The Director General, All India Radio, New Delhi for his favourable & sympathetic action please.
4. The Station Director, All India Radio, Dibrugarh for kind information and necessary action.
5. The Station Director, All India Radio, Itanagar for favour of kind information and necessary action please.
6. O.C(A.P.)Unit

Sd/-Illegible
(Sri Nokwang wansu)
convenor,
Casual Assistant Editor.

attested
(P. J. Sankar, B. J. Sankar)

To

The Secretary to the Govt. of India,
Ministry of Information and Broadcasting,
New Delhi.

(Through the Station Director, All India
Radio, Dibrugarh, Assam).

Sir,

We the following casual Assistant Editors of
All India Radio, Dibrugarh, Assam beg to place before you
the following facts for favour of your kind consideration
and necessary action.

(1) That we were appointed as Programme Editors and
Announcers of All India Radio, Dibrugarh Station, Assam, for
the last 5 to 10 years.

(2) That we have been serving with no break in service
and with full sincerity, honesty and integrity with a
hope that we would be absorbed whenever any permanent
vacancy which may occur in future.

(3) That even though 5 to 10 years of service has
been put up by us, we have been deprived from enjoying
any benefit or privilege.

(4) That some of the direct programme such as
Wanchoo, Tangsa are being managed by the casual employees
only. Though we are casual employees, the entire respon-
sibilities are to be shouldered by the casual workers.

(5) That since our appointment we have been perfor-
ming the same duties, such as, news editing and reading,
preparation of programme with music items monthly tape
scheduling, recording of artists, dubbing, artist booking
doing the coverage work etc.

(6) That to perform these duties, we are to take
the same risk and sacrifice on private matters also.

Comparison...

Comparison with the volume of work and the responsibilities, we are being paid a meagre salary and without any future.

- (7) That our remuneration is paid on the scale payment excluding all D.As, Arrears, Bonus etc.
- (8) That our remuneration is paid through cheque and the formalities which we are to observe in encashing the cheque is an extra burden on us.
- (9) That we are paid house rent but no provided with any quarters for staying in the town.
- (10) That to get justice against the deprivation of equal pay for equal work and other facilities, we have made number of correspondence with station Director, A.I.R., Dibrugarh, but, unfortunately no relief was given to us.
- (11) That though we have acquired experience in putting up our services for the last couple of years, but still, the S.S.C. did not consider our candidature for making us permanent.
- (12) That finding no justice inspite of submitting repeated representations we have come to the conclusion that we should make an approach to you and if no relief is even then available, we would like to place our grievances before the State Administration Tribunal or Hon'ble High Court Guwahati, seeking relief as well bedeed fit and proper.
- (13) That this petition is sent to you through proper channel with a hope that you would make an enquiry and redress our grievances in the light of the facts

mentioned ...


- 24 -

-3-

7th June, 1995.

1. Sri Nokwang Wangsu,
Wancho Prog. Sd/-Illegible
7/6/95
2. Sri Banyam Ponglaham
Wangcho Prog Sd/-Illegible
3. Sri Konkam Mamai
Tangsa Prog ... Sd/-Illegible
7/6/95
4. Smty.Chamey Rajkumari
Notte Prog. Sd/-C.Rajkumari

attested


(B. J. Sankar, Advocate)

• • •

To

The Secretary to the Govt. of India,
Ministry of Information and Broadcasting,
New Delhi.

(Through the Station Director, All India Radio,
Dibrugarh, Assam)

Sir,

The undersigned, casual Assistant Editor of All India Radio, Dibrugarh, Assam beg to place before you the following facts for favour of your kind consideration and necessary action.

- 1) That I was appointed as Programme Editor and Announcer of All India Radio, Dibrugarh Station, Assam, for the last 5(five) years.
- 2) That I have been serving with no break in service and with full sincerity, honesty and integrity with a hope that I would be absorbed whenever any permanent vacancy which may occur in future.
- 3) That even though 5(five) years of service has been put up by me, I have been deprived from enjoying any benefit or privilege.
- 4) That the dialect programme of Wancho is being managed by me alongwith another Assistant Editor who is also a casual employee. Though I am casual employee, the entire responsibilities are being shouldered by me as a casual worker.
- 5) That since my appointment I have been performing the same duties, such as editing news and reading, preparation of programme with music items, monthly tape scheduling, recording of artists, dubbing, artist booking, doing the coverage etc.

That...

6. That to perform these duties, I am to take the same risk and sacrifice on private matters also, comparison with the volume of work and the responsibilities, I am being paid a meagre salary and without any future.

7) That my remuneration is paid on the scale payment excluding all D.A s, Arrears, Bonus etc.

8) That my remuneration is paid through cheque and the formalities which I am to observed in encashing the cheque is an extra burden on me.

9) That I am paid the house rent but not provided with any quater for staying in the town.

10) That to get justice against the deprivation of equal pay for equal work and other facilities I have made number of correspondence with Station Director, A.I.R., Dibrugarh but unfortunately no relief was given to me.

11) That though I have acquired experience in putting up my service for the last 5(five) years, but still the S.S.C. did not consider my candidature for making me permanent.

12) That finding no justice inspite of submitting repeated representations I have come to the conclusion that I should make an approach to you and if no relief is given then available, I would like to place my grivances before the State Administration Tribunal or Hon'ble High Court, Guwahati, seeking relief as will be deemed fit and proper.

That...


- 27 -

-3-

Yours faithfully,

(SRI NOKWANG WANGSU)

Tribal Dialect (Wancho).

attested

 (P. J. Sarkis, Director)



STAFF SELECTION COMMISSION

- 23 - 35

Advt. No. 2/95 Applications are invited for the following Posts to reach the Regional Director (NER), Staff Selection Commission, Post Box No. 236, G.P.O., Guwahati-781 001 by 11.8.95

Ammer 08

THE FOLLOWING ADVT. INVITES VACANCIES UNDER SPECIAL RECRUITMENT DRIVE FOR SC/ST POSTS.

Transmission Executives (Dialect & Translation) : AIR (detailed below). PS: Rs. 1400-2600. Age: 18-35 yrs. For ST. EQ: (1) Deg. of a recog. Univ./eqv. (2) Proficiency in the language/dialect relevant to the vacancy. DQ: (1) Acquaintance with the culture, traditions and literature of the area concerned. (2) Knowledge of national and international affairs. (3) Five yrs. exp. as Translator/Writer in the language/dialect relevant to the vacancy. (4) Ability to translate correctly from Hindi/Eng. into the dialect relevant to the vacancy and vice-versa. (5) Voice suited for broadcasting. (6) Knowledge of other languages of the area concerned. JR: To translate news summary and topics from Eng. into the language/dialect concerned; write announcements; check broadcast materials, record programmes in interior villages and assist supervisory staff in addition of music artists and drama voices in respect of dialect/language concerned.

(NER-1) Five Transmission Executives (Dialect & Translation) : AIR, Guwahati. Resvd. for ST. PS, Age, EQ, DQ and JR are given above. Dialect relevant to the vacancy in EQ(2), DQ(3) and DQ(4) : Wangchoo-2, Idu-1, Tangsa-1 and Nocte-1. IP: Guwahati with AISL.

(NER-2) One Transmission Executive (Dialect & Translation) : AIR, Shillong. Resvd. for ST. PS, Age, EQ, DQ and JR are given above. Dialect relevant to the vacancy in EQ(2), DQ(3) and DQ(4) is Mishni. IP: Shillong with AISL.

(NER-3) One Sr. Tech. Asstt. (Cultural) : Anthropological Survey of India, D/o Culture, Calcutta. Resvd. for ST. PS: Rs. 1400-2300. Age: Upto 35 yrs. for ST. EQ: Master's deg. in Anthropology of a recog. Univ. with evidence of specialisation in Cultural Anthropology. IP: Shillong with AISL including Port Blair. JR: Conduct research work in Cultural Anthropology and prepare reports on them.

(NER-4) One Store Attendant : Geological Survey of India (NER), D/o Mines, Shillong. Resvd. for ST. PS: Rs. 800-1150. Age: 18-30 yrs. for ST. EQ: Matric/eqv. DQ: One yr.'s exp. in maintenance of stores. IP: Shillong with AISL. JR: Maintenance of store items, etc.

Note : For posts at (NER-1) to (NER-4) above, apply to the Regional Director (NER), Staff Selection Commission, Post Box No. 236, G.P.O., Guwahati-781 001. Fee, if paid through IPOs, the IPOs may be made payable to Head Office, Guwahati.

Abbreviations used:

EQ: Essential Qualification, DQ: Desirable Qualification, UR: Unreserved, SC: Scheduled Caste, ST: Scheduled Tribe, EXS: Ex-Serviceman, PH: Physically Handicapped, OH: Orthopaedically Handicapped, HH: Hearing Handicapped, OBC: Other Backward Classes PS: Pay Scale, IPO: Indian Postal Orders, CRFS: Central Recruitment Fee Stamps, IP: Initial posting, Deg.: Degree, Dip.: Diploma, Agri.: Agriculture, Lib: Library OR Librarianship, Sc.: Science, Eqv.: Equivalent, Profi-Test: Proficiency Test, AISL: All India Service Liability, Recog.: Recognised, Univ.: University, Instt.: Institution, Eco.: Economics, Stats.: Statistics, Maths: Mathematics, Exp.: Experience, Exam: Examination, Subts.: Subjects, Hr.: Higher, Eng.: English, Chem.: Chemistry, DDK: Doordarshan Kendra, AIR: All India Radio, JR: Job Requirements.

BRIEF INSTRUCTIONS

- Fee Payable: Rs. 25/- No fee for SC/ST/Ex-S/PH.
- Age: To be reckoned as on closing date (11.8.95). Usual relaxation for SC/ST/Ex-S/PH, and repatriated etc.
- EQ: Candidates must possess EQ mentioned against the posts as on the closing date i.e. (11.8.95).
- How to Apply: Applications may be submitted in the form published in Employment News/Rozgar Samachar dated 15.7.95. The application may be typed out in double space or written in hand neatly, but format should be the same as published.
- Closing date: 11.8.95 (5.00 p.m.).

- Documents to be attached with the application:—i) IPOs or Central Recruitment Fee Stamps affixed and clearly cancelled on the application form. ii) One recent passport size photograph. iii) One Self-addressed postcard duly affixed with an additional 45 paise stamp. The candidate must indicate the name of the post, category No. and Advt. No. on the post card. iv) Two self-addressed unstamped envelopes of 10 cms. X 22 cms. size. v) Two slips indicating name and postal address. vi) Documents in favour of claim of SC/ST/PH/Ex-Servicemen/Disabled persons etc. vii) Attested copies of certificates showing age and educational qualifications. viii) Documents in support of claim of age relaxation for categories not covered in item (vi) above. ix) Attested Copies of experience certificates. x) Candidates in Government Service are to attach an undertaking that they have informed in writing their Head of Office/Department that they have applied for the Exam.

NOTE: (1) If the above documents are not submitted/alongwith the application, application will be summarily rejected and no request for revival will be considered. (2) Incomplete or unsigned applications will be rejected summarily.

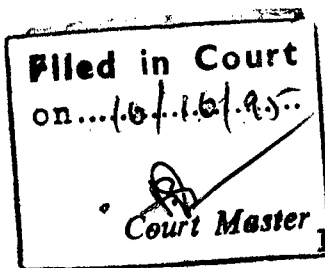
- SC/ST candidates called for interview will be paid TA as per Govt. orders.
- Separate applications to be submitted for more than one category.

Note: For further details, the candidates are requested to kindly see the issue of Employment News dated 15.7.95.

davp 3101 (25) 95 ■

attested
P. J. S. S. S. S.
Advocate

Assam Tribune date 15/7/95



(29)

38
Filed by:-
A. K. Choudhury
10.10.95
MCA. Central Govt.
Standing Council

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.
GUWAHATI

In the matter of

O.A. No. 152/95

Nokwang Wangso & others

..... Applicant

- Vs -

Union of India & others

..... Respondents.

Written statement/show cause on behalf of Respondent
Nos. 1, 2, 3 & 5.

I, L. Rehman, Station Director, All India Radio,
Dibrugarh, do hereby solemnly affirm and say as
follows :-

1. That I am the Station Director, All India Radio Dibrugarh and Respondent No. 2 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the other contentions and statements made in the application may be deemed to have been denied. I am competent and authorised to file the written statement on behalf of respondents Nos. 1, 3 and 5 also.
2. That the answering respondent have no comment to the statement made in paragraph A, B, C and D(1).
3. That with reference to the statement made in paragraph D(2) I beg to state that as per the Recruitment Rules prescribed for the post of Transmission Executive (Dialect and Translatio-n) i.e. erstwhile Assistant Editors, the essential qualificatio-n required is a Bachelor's Degree with either Hindi or English plus proficiency in the relevant dialect and not Intermediate/Pre-University as mentioned in the application.

One-time relaxation in the educational & other qualifications was granted by the Directorate General, A.I.R., New Delhi on a specific request from the Staff Selection Commission and some posts were re-advertised in 1989-90 with the relaxed qualification. This relaxation was a purely one-time measure and recruitment made in subsequent years specified the original required qualification of Degree and candidates holding a Degree were appointed.

4. That with reference to the statement made in paragraph D(3) I beg to state that the applicants were booked on casual basis after their translation and voice test. This is the only test one has to undergo at the station level before approving as a casual hand.

5. That with reference to the statements made in paragraph D(4) I beg to state that the booking of casual employees on monthly contract is done only as a temporary measure to keep up the working of dialect programmes until regular candidates are made available through the Staff Selection Commission. All candidates appointed so far on a regular basis in the grade of Transmission Executive (D&T)/Assistant Editor were selected by the Staff Selection Commission through competitive examinations held at various stages, including those casual Assistant Editors who were subsequently absorbed in regular posts.

There is no provision for direct absorption of casual employees.

Regarding training as mentioned in the application, the same is imparted to officials only after regular appointment and there is no provision for formal training of casual workers.

The answering respondents have not issued any official appointment orders to casual hands and they are offered only contracts as per the programme exigencies. The order which is quoted in the petition is simply an official noting regarding ~~that~~ their casual bookings. Approval of the Station Director is required in the file before taking on a casual person as per the normal practice.

6. That with reference to the statements made in paragraph D(5) I beg to state that the casual Assistant Editors are issued long term contracts to run the service and the Station Director has not been empowered to appoint a casual hand on permanent basis untill and unless one goes through the regular Selection process conducted by the Staff Selection Commission.

(3)

7. That with reference to the statements made in paragraph D(6) I beg to state that A.I.R. Dibrugarh has not given any undertaking to contractual casual hands about regularisation of service as recruitment in this grade is made only through the Staff Selection Commission on the basis of a competitive examination.

Also, the essential qualification for the grade is Degree, as already clarified against para-3 above. The petitioners were not invited to appear before the Staff Selection Commission because they do not have the requisite educational qualification as mentioned in the advertisement by the Staff Selection Commission.

8. That with reference to the statements made in paragraph D(7) I beg to state that the representations received were duly forwarded to the higher authorities i.e. Directorate General, All India Radio, New Delhi and Deputy Director General (NER), All India Radio, Guwahati. The matter of regularisation is not within the powers delegated to Respondent No.2 and the same is to be considered at the Headquarter level.

9. That with reference to the statements made in paragraph D(8) I beg to state that these points are already clarified in the paras above. The matter of screening and selection etc. after advertisement is processed by the Staff Selection Commission and this Station offers appointment only to candidates if nominated by the Commission. Repeated advertisements were made by the Staff Selection Commission to fill up the posts since 1990 and the latest three nominations were made from the examination held in 1994. One of these belongs to the Tangsa dialect and the Wangchu dialect posts are still vacant as nominations from the Staff Selection Commission are awaited.

10. That with reference to the statements made in paragraph D(9) I beg to state that the matter of calls for interview to candidates after advertisement is exclusively under the purview of the Staff Selection Commission.

Regarding payment made to the monthly contract Assistant Editors, the same has been fixed as per the existing Rules and instructions.

11. That with reference to the statements made in paragraph D(10) & D(11) I beg to state that the post of Assistant Editor (Tribal Dialect) was only redesignated as Transmission Executive (Dialect & Translation). The essential qualification and procedure of recruitment remain the same as before and have been mentioned above.

Surjit Kumar

(4)

12. That with reference to the statements made in paragraph D(12) (A), (B) & (C) I beg to state that it is reiterated that by rule this office is competent to recruit Transmission Executives (Dialect & Translation) i.e. Assistant Editors only on the basis of the competitive examination conducted by the Staff Selection Commission. All appointments made in this grade so far for other dialects have followed this procedure.

It may be noted that in case of the Tangsa dialect mentioned by one of the petitioners, a candidate has been nominated by the Staff Selection Commission on the basis of the examination held in 1994 vide the Commission's advertisement No. 1/94. This candidate had also been working on monthly contract basis but is now eligible for regular appointment after having qualified the competitive examination; the qualification prescribed was Degree.

No assurance was given from this office to any casual hand prior to their selection by the Staff Selection Commission for regular appointment.

13. That with reference to the statement made in paragraph D(12)(D) I beg to state that the payment has been made as per existing rules.

14. That with reference to the statements made in paragraph D(12) (E) & (F) I beg to state that the question of permanent absorption does not arise as because the station does not have the power to appoint any casual except for issuing monthly contracts and that too is done to run the most essential service only.

15. That with reference to the statements made in paragraph D(12) (G) I beg to state that the Selection or non-selection of candidates rests with the Staff Selection Commission. Appointments are made only when the Commission sponsors candidates against the vacant posts.

16. That with reference to the statements made in paragraph D(13) I beg to state that the Head of Office is only the appointing authority and he is not empowered to advertise for and select candidates in the grade of Transmission Executive (D&T)/Assistant Editor.

17. That the answering respondent have no comment to the statement ~~as made~~ made in paragraph D(14), (15) & (16).

18. That the applicants are not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

19. That the Respondents crave leave of filing addl. Written statement if situation so demands.

Contd..p/5-

(5)

V E R I F I C A T I O N

I, L. Rehman, Station Director, All India Radio, Dibrugarh, do hereby declare that the statement made in this show cause are true to my knowledge derived from the records of the case.

I sign this Verification on this the 4th day of October, 1995 at Dibrugarh.

L. Rehman
DEPONENT

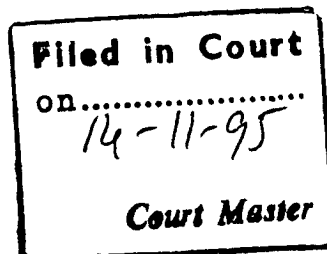
Station Director
ALL INDIA RADIO
DIBRUGARH

-o0o-

-34-

Filed by
H. L. Chatterjee
14.11.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI



In the matter of

O.A. No.152/95

Nekwang Wangso & others

.....Applicant

-Vs-

Union of India & others

....Respondents

Show Cause on behalf of the Respondents
No.4, Regional Director, Staff
Selection Commission, Guwahati.

Most Respectfully Sheweth:-

1. That the applicants have mentioned about earlier two advertisements issued by this Commission for the N.E. Region vide Advt. No.2/92 item NER-20 and Advt. No.1/94 item NER-5 as well as referred to the latest Advt. No.2/95 item No.NER-1 published in the Employment News and the Assam Tribune in their respective issues dated 15-7-95. This Commission seems to have been involved due to the fact that the applicants have prayed for stay of the last mentioned Advt. No.2/95 published in the press on 15-7-95 pending final decision of their present applicant.

2. No Comment.

3. That the answering respondents begs to state that the essential qualification for the post of the Transmission Executive was the Bachelor Degree of a recognised University or equivalent, as would be seen in all the three advertisements mentioned in the application ; whereas the two applicants appeared to be only the Senior Secondary/Senior School Leaving Examination passed. So, the two Casual Employees were not educationally qualified for the post of Transmission Executive and hence their grievance of not being invited for tests/interview against the advertisement Nos. NER-20 and NER-5 of the years 1992 and 1994 respectively was invalid being not based fact.

4. That the answering respondents begs to state that (the taking cue from the above sub para(ii), it is also observed that the two petitioners have no locus standi to pray for stay of the latest advertisement No.2/95 of 1995 as they do not possess graduate degree which is an essential qualification for being eligible for the post of Transmission Executive (dialect and translation). The question of staying action on Advt.No.2/95 of 1995, therefore, does not arise.

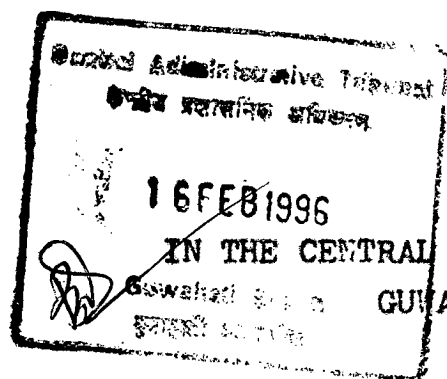
VERIFICATION

I, S.N.Bhuyan, Regional Director, Staff Selection Commission, N.E. Region, Guwahati, do hereby declare that the statement made in this show-cause are true to my knowledge derived from the records of the case.

I sign this Verification on this the 8th day of November, 1995 at Guwahati.

S.N.Bhuyan

DEPONENT



In the matter of

O.A. No.152/95

Nekwang Wangso & others

..... Applicant

- Vs -

Union of India & others

..... Respondents.

Additional Written Statement/show cause
on behalf of Respondent Nos. 1,2,3 & 5.

I, L. Rehman, Station Director, All India Radio,
Dibrugarh, do solemnly affirm and say as
follows :-

1. That I am the Station Director, All India Radio, Dibrugarh and Respondent No.2 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the other content-ions and statements made in the application may be deemed to have been denied. I am competent and authorised to file the written statement on behalf of respondents Nos. 1, 3 and 5 also.
2. That the answering respondent have no comment to the statement made in paragraph A,B,C and D(1).
3. That with refrence to the statement made in paragraph D(2) I beg to state that as per the Recruitment Rules prescribed for the post of Transmission Executive (Dialect & Translation) i.e., erstwhile Assistant Editors, the essential qualification required is a Bachelor's Degree with either Hindi or English plus proficiency in the relevant dialect and not Intermediate/Pre-University as mentioned in the application.

One-time relaxation in the educational & other qualifications was granted by the Directorate General, All India Radio, New Delhi on a specific request from the Staff Selection Commission and some posts were re-advertised in 1989-90 with the relaxed qualification. This relaxation was a purely one-time measure and recruitment made in subsequent years specified the original required qualification of Degree and candidates holding a Degree were appointed.

4. That with reference to the statement made in paragraph D(3) I beg to state that the applicants were booked on casual basis after their translation and voice test. This is the only test one has to undergo at the Station level before approving as a casual hand.

5. That with reference to the statements made in paragraph D(4) I beg to state that the booking of casual employees on monthly contract is done only as a temporary measure to keep up the working of dialect programmes until regular candidates are made available through the Staff Selection Commission. All candidates appointed so far on a regular basis in the grade of Transmission Executive (D & T)/Assistant Editor were selected by the Staff Selection Commission through competitive examinations held at various stages.

There is no provision for direct absorption of casual employees.

Regarding training as mentioned in the application, the same is imparted to officials only after regular appointment and there is no provision for formal training of casual workers.

The answering respondents have not issued any official appointment orders to casual hands and they are offered only contracts as per the programme exigencies. The order which is quoted in the petition is simply an official noting regarding their casual bookings. Approval of the Station Director is required in the file before taking on a casual person as per the normal practice. The orders referred to therein are simply a noting on file and have not been issued to the casuals by name.

6. That with reference to the statements made in paragraph D(5) I beg to state that casuals are engaged on "as and when required" basis to run the service and there is no provision in the Recruitment Rules to appoint a casual on permanent basis until and unless one goes through the regular selection process conducted by the Staff Selection Commission on the basis of notified Recruitment Rules.

7. That with reference to the statements made in paragraph D(6) I beg to state that A.I.R., Dibrugarh has not given any undertaking to contractual ^{casual} hands about regularisation of service as recruitment in this grade is made only through the Staff Selection Commission on the basis of a competitive examination.

Also, the essential qualification for the grade is Degree, as already clarified against para D(2) above. The petitioners were not invited to appear before the Staff Selection Commission because they do not have the requisite educational qualification as mentioned in the advertisement by the Staff Selection Commission.

8. That with reference to the statements made in paragraphs D(7) I beg to state that the representations received were duly forwarded to the higher authorities i.e., Directorate General, All India Radio, New Delhi and Deputy Director General, All India Radio, Guwahati. The matter of regularisation is not within the powers delegated to Respondent No.2 and the same is to be considered at the Headquarter level. The applicant should have waited for Directorate's reply.

9. That with reference to the statements made in para-D(8) I beg to state that these points are already clarified in the paras above. The matter of screening and selection etc. after advertisement is processed by the Staff Selection Commission and this Station offers appointment only to candidates if nominated by the Commission. Repeated advertisements were made by the Staff Selection Commission to fill up the post since 1990 and the latest three nominations were made from the examination held in 1994. One of these belongs to the Tangsa dialect and the Wangchu dialect posts are still vacant as nominations from the Staff Selection Commission are awaited. No assurance was given to the applicants for regular appointment as stated by them.

10. That with reference to the statements made in paragraph D(9) I beg to state that the matter of calls for interview to candidates after advertisements is exclusively under the purview of the Staff Selection Commission. Staff Selection Commission calls for interview only to the eligible candidates if applied for.

Regarding payment made to the monthly contract Assistant Editors, the same has been fixed as per the existing rules and instructions. It is not true that the applicants have been working as casual Assistant Editor continuously for 6/7 years as stated by them. They have been booked on casual/assignment basis and on "as and when required" basis. The

casuals are booked by All India Radio to assist, prepare and present various programmes in All India Radio till a regular staff is nominated by competent authority. The casual booking becomes necessary in the absence of regular staff to ensure smooth production and broadcast of programmes. The casuals for this purpose undergo through simple test like audition to assess if the voice is suitable for broadcast. The casual engagement however does not bestow any claim for regular appointment against the post.

11. That with reference to the statements made in paragraph D(10) & D(11) I beg to state that the post of Assistant Editor (Tribal Dialect) was only redesignated as Transmission Executive (Dialect & Translation). The essential qualification and procedure of recruitment remain the same as before and have been mentioned above.

12. That with reference to the statements made in paragraph D(12) (A), (B) & (C) I beg to state that it is reiterated that by rule this office is competent to recruit Transmission Executives (Dialect & Translation) i.e., Assistant Editors only on the basis of the competitive examination conducted by the Staff Selection Commission. All appointments made in this grade so far for other dialects have followed this procedure.

It may be noted that in case of the Tangsa dialect mentioned by one of the petitioners, a candidate has been nominated by the Staff Selection Commission on the basis of the examination held in 1994 vide the Commission's advertisement No.1/94. This candidate had also been working on monthly contract basis but is now eligible for regular appointment after having qualified the competitive examination; the qualification prescribed was Degree.

No assurance was given from this office to any casual hand prior to their selection by the Staff Selection Commission for regular appointment.

13. That with reference to the statement made in paragraph D(12)(D) I beg to state that the payment has been made as per existing rules.

14. That with reference to the statements made in paragraph D(12) (E) & (F) I beg to state that the question of permanent absorption does not arise as because the Station does not have the power to appoint any casual except for issuing monthly contracts and that too is done to run the most essential service only.

Asifur Rehman
Station Director
आफ़िदुर रहमन, डिब्रुगढ़
All India Radio, Dibrugarh

15. That with reference to the statements made in paragraph D (12) (G) I beg to state that the selection or non-selection of candidates rests with the Staff Selection Commission. Appointments are made only when the Commission sponsors candidates against the vacant posts.

16. That with reference to the statements made in paragraph D(13) I beg to state that the Head of Office is only the appointing authority and he is not empowered to advertise for and select candidates in the grade of Transmission Executive(D & T)/Assistant Editor.

17. That the answering respondent have no comment to the statement made in paragraph D(14), (15) & (16).

18. That the applicants are not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

19. That the Respondents crave leave of filing addl. Written statement if situation so demands.

VERIFICATION

I, L. Rehman, Station Director, All India Radio, Dibrugarh, do hereby declare that the statement made in this show cause are true to my knowledge derived from the records of the case.

I sign this Verification on this the 13th day of Feb. , 1976 at Dibrugarh.

Lutfur Rehman.
DEPONENT

केन्द्र निदेशक
Station Director

आकाशवाणी, दब्रगढ़
All India Radio, Dibrugarh

...X...