

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00008/2017

Friday, this the 13th day of April, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member

- 1 Sreenivas C,
 Aged 41 years, Chinnayathodie,
 S/o. Padmanabhan, Thirurkkad P.O.,
 Malappuram – 679 351
- 2 Ramani P,
 Aged 38 years, W/o. Vijayan,
 Akkarammal House, Muthuparamba P.O.,
 Kondotty (via) Malappuram – 673 638.
- 3 Bindu K.M.,
 Aged 46 years, W/o. Vijayakrishnan K.,
 Sooryakanthi, Kadalundi P.O.,
 Kozhikode – 673 302.
- 4 Abdusamad K.,
 Aged 34 years, Kanbran (House),
 Tharayittal, Vengara P.O., Pin – 676 304.
- 5 Mehamood C.K.,
 Aged 53 years, 'Abhyam' Kavannur P.O.,
 Malappuram District – 673 639
- 6 Jiji K.B.,
 Aged 34 years, W/o. Jijo,
 Muttath House, Pariyapuram P.O.,
 Angadippuram, Perinthalmanna, Malappuram.
- 7 Sreekala P.T.,
 Aged 31 years, D/o. P.T. Krishnan,
 Pariyarath thodi, Karalmanna P.O.,
 Cherpalcheri, Palakkad Dt.
- 8 Jancy K.J,
 Aged 48 years, W/o. Biju, H. No. 801 B,
 Karuvambram P.O., Manjeri

- 9 Shaji Joseph,
Aged 45 years, S/o. Joseph,
Matukkakuzhiyil House,
Kadamode P.O., Manjeri

..... **Applicants**

(By Advocate – M/s. Sanjay & Parvathi)

V e r s u s

- 1 Union of India, represented by the
Secretary to the Government of India,
M/o. Information & Broadcasting,
New Delhi – 110 001.
- 2 Prasar Bharathi Broadcasting Corporation of India,
Represented by its Chief Executive Officer,
New Delhi – 110 001.
- 3 The Director General,
All India Radio, Akashvani Bhavan,
Parliament Street, New Delhi – 110 001.
- 4 The Station Director,
All India Radio, FM, Manjeri,
Malappuram Dt.

..... **Respondents**

(By Advocate – Mr. N. Anilkumar, Sr. PCGC)

This Original Application having been heard on 13.04.2018, the
Tribunal on the same day delivered the following:

ORDER (ORAL)

Per: Dr. K.B. Suresh, Judicial Member

The matter was taken up on 4.1.2017, when Sr.PCGC(R)
Mr.N.Anilkumar entered appearance and accepted notice on behalf of the
respondents. Time for reply was given. Thereafter, on several posting dates
time had been given for filing reply statement. But no reply is forthcoming.

- 2 The applicants' case is that for 22 years they have been working

against regular posts. No other form of recruitment had taken place. Persons initially appointed are comparable to the applicants' case and they are regularised by a scheme framed by the respondents and, therefore, on **Umadevi's** and **Inderpal Yadav's** judgments, the applicants seek relief. It seems to be covered by an order of the Hon'ble High Court in **OP(CAT) No.38/2015** dated 27.10.2015 produced as Annexure A-13.

3 Apparently, the same thing had been agitated before several other Tribunals and High Courts as well and orders have been passed. In all these cases, directions were issued to consider the case of the applicants for regularisation and eventual absorption against the regular vacancy in due course. In terms of the scheme formulated for regularisation of Casual Production Assistant and General Assistant in All India Radio pursuant to the judgement of the Principal Bench of the Central Administrative Tribunal in O.A No.822/1991 dated 18.9.1992 or alternatively to formulate a scheme for regularisation of the eligible applicants in the light of the scheme already formulated by the said Department pursuant to the orders passed in O.A No.563/1986 and O.A No.822/1981 within a period have been issued and apparently several people have been regularised. Therefore, there is no reason why these persons alone should be denied the right .

4 Even though the respondents have not filed reply statement inspite of having been given several opportunities for filing the same. Since this is an all India matter and there cannot be separate replies as AIR is an all India organisation which can take only one defence and one alone. There is no need to hear the AIR any further.

5 Therefore, there will be a mandate to the respondents to look afresh in to the matter and if others similar to the applicant have been granted the benefit, extend the same to the applicants also in terms of the existing scheme. If modulations which according to the **Umadevi** judgment are to be required, it will be looked into with effect from the original time in which the applicant attained their right.

6 The Original Application is disposed of as above. The Order to be complied within next three months. No costs.

(Dr. K. B. SURESH)
JUDICIAL MEMBER

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List of Annexures of the Applicants

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| Annexure A-1 | - | A true copy of Vani Certificate dated 04.09.2006, issued as regards the 2 nd applicant. |
| Annexure A-2 | - | A true copy of the one of the assignments for the month of August, 2013 as regards the 1 st applicant. |
| Annexure A-3 | - | A true copy of the representation submitted by All India Radio Casual Announcers State Table dated 29.12.2009. |
| Annexure A-4 | - | A true copy of the communication dated 05.05.2008 issued by the Deputy Director of Programmes (Policy) together with reminders dated 21.05.2008 and 06.06.2008. |
| Annexure A-5 | - | True copy of recommendations of the Parliamentary Committee dated 18.02.2009. |
| Annexure A-6 | - | A true copy of report dated 24.02.2009. |
| Annexure A-7 | - | A true copy of communication dated 09.06.2010 |

issued by the Deputy Director General, All India Radio to all Stations.

- Annexure A-8 - True copy of order dated 09.11.2010.
- Annexure A-9 - A true copy of communication dated 18.11.2010, issued by the Deputy Director General to all Stations of All India Radio.
- Annexure A-10 - A true copy of order dated 07.09.2005 in O.A. No. 743/2000.
- Annexure A-11 - A true copy of judgment dated 05.08.2009 in W.P. (C) No. 34948/2005.
- Annexure A-12 - A true copy of common order in O.A. No. 1182 of 2012 and O.A. No. 475 of 2013 of the CAT, Ernakulam dated 22.11.2013.
- Annexure A-13 - A true copy of common judgments in OP(CAT) Nos. 38 of 2015 and 178 of 2015 dated 27.10.2015.
- Annexure A-14 - A true copy of order dated 31.05.2013 in O.A. No. 541 of 1997 of the Patna Bench of the CAT.

List of Annexures of the Respondents

Nil
