

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00161/2017

Date of Order: This, the 27th day of September 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

1. Shri Hiranmoy Goswami
Son of Shri Atul Chandra Goswami
2. Shri Asim Jyoti Borah
Son of Late Chaniram Borah
3. Shri Dambarudhar Goswami
Son of Shri K. Kanta Goswami
4. Ms. Jyoti Kalita
Wife of Mr. Ranjan Borman
5. Ms. Rita Saikia
Wife of Mr. Ramesh Saikia
6. Shri Jun Hazarika
Son of Mr. Narayan Hazarika
7. Ms. Nibedita Gayan
Wife of Biswajit Sarmah
8. Ms. Sankhadhwani Hazarika
Wife of Dr.Ajit Bharali
9. Ms. Gitamoni Sarmah
Wife of Mr. Dipak Sarmah
10. Ms. Purabi Saikia
Wife of Dipak Borah
11. Md. Imran Hussain
Son of Md. Ilah Baksh

12. Ms. Suagmoni Mahanta
Wife of Mr. Khamindra Borah
13. Ms. Darshana Mishra
Daughter of Late Bipin Ch. Sarma Mishra
14. Ms. Nirmali Bora
Wife of Mr. Jugal Dutta
15. Shri Kuladeep Saikia
Son of Late Tankeswar Saikia
16. Shri Biswajjeet Kakati
Son of Late Purna Kanta Kakati
17. Shri Prasanta Goswami
Son of Mr. Aboni Goswami
18. Ms. Amrita kaur
Wife of Mr. Prasanta Goswami
19. Shri Kiran Ch. Nath
Son of Late Akon Ch. Nath
20. Ms. Mitali Sarmah
Wife of Mr. Jintu Goswami
21. Ms. Inumoni Mahanta
Wife of Mr. Manoj Kumar Mahanta
22. Shri. Pranjal Saikia
Son of Late Sandhiram Saikia
23. Ms. Pompei Hazarika
Wife of Mr. Santanu Borah
24. Ms. Nikunja Lata Mahanta Saikia
Wife of Mr. Rajib Kumar Saikia
25. Shri Prasanta Kumar Baruah
Son of Mr. Ghana Kanta Baruah
26. Shri Kanak Saikia
Son of Mr. Babul Ch. Saikia

27. Ms. Chayanika Bora
Wife of Mr. Ranadeep Nandi
28. Ms. Sabita Deka
Daughter of Mr. Madan Ch. Deka
29. Ms. Mrinali Sarma
Wife of Biraj Sarmah
30. Ms. Jurimoni Goswami
Daughter of Shri K. Kanta Goswami
31. Mrs. Niharika Saikia
Wife of Mr. Indramohan Saikia

...Applicants

All are presently working as Casual Announcer/Compere under the Station Director, All India Radio/Doordarshan, Prasar Bharati (Broadcasting Corporation of India), Nagaon - 782002.

By Advocates: Mr. S. Dutta, Mrs. U. Dutta & Mr. A. Das

-Versus-

1. UNION OF INDIA, through the Secretary to the Government of India, Ministry of Information & Broadcasting, New Delhi- 110001.
2. PRASAR BHARATI (Broadcasting Corporation of India)
Represented by its Chief Executive Officer
Akashwani Bhawan, Sansad Marg, New Delhi- 110001.
3. The Director General
Prasar Bharati. All India Radio
Akashwani Bhawan, Sansad Marg, New Delhi- 110001.
4. The Station Director
PRASAR BHARATI, (Broadcasting Corporation of India)
All India Radio, P.O. Senchow, District: Nagaon (Assam)
Pin- 782002.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

O R D E R (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

Being aggrieved, the instant O.A. has been preferred by the applicants seeking the following main reliefs:

“8.1 That the impugned orders dated 21/02/2017 and 18/04/2017 be declared without jurisdiction, illegal, unfair and accordingly set aside and quashed and the respondents be directed to frame a Scheme for Regularization of the Casual Announcers/Comperes (Assignees) etc like the applicants and alternatively, to act on their undertaking as given before the Ernakulam Bench of this Hon’ble Tribunal in the proceedings under the OAs No 1182 of 2012 and 475 of 2013 and regularize the service of the applicants with effect from the respective dates of their joining service.”

2. Heard Mr. S. Dutta, learned counsel for the applicants and Mr. S.K. Ghosh, learned Addl CGSC for the respondents.

3. It was submitted by the learned counsel appearing on behalf of the applicants that all the applicants have been working as Casual Announcers/Comperes (Assignees) under the respondents, more particularly respondent No. 4 in the instant case since long time. They are aggrieved for the

discriminatory and arbitrary action of the respondents in not formulating an appropriate Scheme for Regularization of the Casual Announcers/Comperes (Assignees) working under them since long time as well as their impugned action in passing the impugned orders dated 21.02.2017 read with the order dated 18.04.2017 in the matter of audition/re-screening of the Assignees.

4. Mr. Dutta further submitted that the applicants have approached this court against the Orders/Notifications No. 15/3/2017-P-6 dated 21.02.2017 and No. 15/3/2017-P VI dated 18.04.2017.

5. From the reading of the above Orders/Notifications, it is clear that the selection process have been launched with the intention for creating fresh panel for Assignees and also to audition/rescreen the existing Assignees in accordance with the certain guidelines detailed in the said Orders/Notifications dated 21.02.2017 and 18.04.2017.

6. Mr. Dutta submitted that the present 31 applicants are working from more than 10 years in various capacities. According to the learned counsel, forcing them again to go fresh audition/rescreen process is arbitrary and not as per law.

Mr. Dutta brought to the notice of the court the litigation going on between the department and the existing Assignees for regularisation. According to Mr. Dutta, the same has been adjudicated in their favour by the CAT, Ernakulam Bench in O.A. Nos. 1182/2012 and 475/2013 dated 22.11.2013 and upheld by the Hon'ble Kerala High Court in Writ Petition OP (CAT) No. 38 of 2015 dated 27.10.2015 and the matter is now pending before the Hon'ble Supreme Court.

7. Mr. Dutta fairly submitted that the Hon'ble Supreme Court in SLP No. 13876-13877/2016 dated 05.09.2016 has ordered status quo.

8. It is evident from the perusal of records that despite last chances being granted to the respondents for filing written statement, however, they have restrained themselves from filing the same. Accordingly, vide order dated 20.08.2018 O.A. was admitted and fixed for hearing on 27.09.2018 that is today.

9. Since all the applicants are casual workers and working under respondent No. 4 for long w.e.f. 1999, in view of the above fact and without going into the merit of the case, we direct the respondent authority to allow the applicants to

continue as such till formation of the Scheme for Regularization of the Casual Announcers/Comperes (Assignees).

10. As the Hon'ble Apex Court has ordered status quo vide order dated 05.09.2016 in SLP No. 13876-13877/2016, in view of that, respondents are also directed to implement the order passed by the Hon'ble Apex Court although it is interim measure.

(N. NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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