

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No.020/00323/2014

Date of C.A.V. : 24.08.2017

Date of Order : 30.08.2017

Between :

M.V.Rami Reddy, S/o Late M.Ananthaiah,
aged about 48 years, working as
Programme Compere on Casual Assignment,
Office of All India Radio, Markapur,
Prakasam District.
R/o C/o Y.Vengala Reddy, H.No.1-203-A-3,
Behind George Guest House, Tarlapadu Road,
Markapur, Prakasam District – 523 316.

... Applicant.

And

1. The Government of India,
Rep. by the Secretary to Government,
Ministry of Information and
Broadcasting, Central Secretariat,
New Delhi.

2. The Director General,
All India Radio, Akashvani Bhavan,
Government of India,
New Delhi -110001.

3. The Station Director,
All India Radio,
Government of India,
Markapur,
Prakasam District.

... Respondents.

| | | |
|-----------------------------|-----|-------------------------------|
| Counsel for the Applicant | ... | Mrs.K.Rajya Lakshmi, Advocate |
| Counsel for the Respondents | ... | Mrs.K.Rajitha, Sr.CGSC |

CORAM:

| | | |
|--|-------------------|------------------------------|
| <i>Hon'ble Mr.Justice R. Kantha Rao</i> | <i>...</i> | <i>Member (Judl.)</i> |
| <i>Hon'ble Mrs. Minnie Mathew</i> | <i>...</i> | <i>Member (Admn.)</i> |

ORDER

{ As per Hon'ble Mr.Justice R. Kantha Rao, Member (Judl.) }

The applicant has filed the Original Application seeking to declare the action of the respondents in not regularizing the services in the cadre of Programme Assistant as arbitrary, illegal and violative of principles of natural justice and also sought for a positive direction to regularize his services as Programme Assistant with all consequential benefits in terms of the judgement of the Hon'ble High Court of Andhra Pradesh in W.P.No.17868/1998 dated 31.01.2003.

2. It is the version of the applicant that he joined All India Radio as Programme Compere on 05.07.1994 on casual basis. From the said date onwards he is working in the Kissanvani programme and at present he is working as Production Assistant which is now called as Programme Assistant. According to him, in the All India Radio there is no post of Production Assistant and as such his post has to be equated to that of Production Assistant. It is further submitted by him that by working as Programme Assistant, he has been discharging the duties and responsibilities of Production Assistant in the All India Radio. His grievance is that instead of regularizing his services, the respondents have been giving him casual assignment for a period of six or ten days in a month. It is also submitted by him that he conducted live programmes with Scientists, Experts and Farmers relating to agriculture, animal husbandry, sericulture, etc. He has also attended State Level Committee meeting of Mass Media Support in the Secretariat and thus

he claims to be a full time employee of All India Radio and is being paid a meager amount of Rs.9000/- per month. The applicant has specifically stated in his application that his case is similar to that of the applicants in W.P.17868/1998 whose services were directed to be regularized and therefore filed the present Original Application seeking for regularization with all consequential benefits.

3. In their reply the respondents though admitted that the applicant has been working in All India Radio denied the status which has been asserted by the applicant in his application. The specific contention of the respondents is that the applicant is only a Casual Compere, his duties are not of a regular nature, but only occasional and the respondents engaged him only as and when required. The Casual Compere / Announcer according to the respondents is engaged on purely temporary and assignment basis and such a worker has no right to claim any regular employment. The respondents have categorically stated that the case of the applicant is not covered by the judgement in W.P.17868/1998 it also does not come under the purview of the Scheme for regularization. Contending as above the respondents sought to dismiss the Original Application.

4. We have heard Mrs.K.Rajya Lakshmi, learned counsel for the applicant and Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for the respondents.

5. The Scheme relied upon by both the parties was formulated by the competent authority of All India Radio on the directions of the Principal Bench of

the Central Administrative Tribunal in O.A.No.822/1991 dated 18.09.1992. We have perused the copy of the Scheme which obviously indicates that it would be applicable to those casual artists who were engaged on casual / assignment basis as Production Assistants and General Assistants upto 31.12.1991 and were on the rolls of All India Radio though they may not be in service subsequent to the said date. The Scheme specifically states that those who are engaged on casual / engagement basis after 31.12.1991 will not be eligible for consideration. In the instant case admittedly the applicant was appointed as Casual Comparer in the All India Radio on 05.07.1994. Though he claims that he has been acting as the Production Assistant the documents filed by him clearly indicate that he was engaged as Compere on casual / assignment basis. Some of the documents filed by him though indicate that he participated in Kisanvani programme, none of the documents would show that he was engaged as Programme Assistant or Production Assistant. It is for the applicant to establish that he is working as a Programme Assistant / Production Assistant. He miserably failed to do so.

6. In the case before the Division Bench of the Hon'ble High Court of Andhra Pradesh in W.P.No.17868/1998 the relief of regularization was granted after considering the fact that the applicants therein were working as Casual Production Assistants and that they were entitled for the regularization of their services in terms of the Scheme formulated by the respondents. The case of the applicant does not come under the purview of the judgement of the Division Bench of the Hon'ble High Court in the above Writ Petition.

7. Similar issue came up for consideration before this Tribunal in TA

68/2010 wherein it was specifically contended that the applicants therein are entitled for the relief of regularization in terms of the judgement of the Division Bench of Hon'ble High Court in W.P.17868/1998 dated 31.01.2003. Learned Members of the Tribunal rejecting the contention of the applicants therein held that there is no material to hold that applicants have worked as Production Assistants for the required number of 72 days in a calendar year. In the above referred TA before the Tribunal the applicants were only Casual Compere / Announcers.

8. Thus the applicant in the present OA failed to establish that his case is either covered by the Scheme of regularization or the judgement of the Division Bench of the Hon'ble High Court in W.P.No.17868/1998. Therefore, he is not entitled for the relief prayed for.

9. Consequently, the OA is dismissed without any order as to costs.

(MINNIE MATHEW)
MEMBER (ADMN.)

(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)

sd