

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**C.P. No. 19/2018 IN
O.A. No. 359/2017
C.P. No. 20/2018 IN
O.A. No. 360/2017
C.P. No. 21/2018 IN
O.A. No. 366/2017
C.P. No. 22/2018 IN
O.A. No. 616/2017
C.P. No. 23/2018 IN
O.A. No. 390/2017**

Reserved on:31.07.2019
Pronounced on:08.08.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)**

C.P. No. 19/2018 in O.A. No.359/2017

Krishan Sharma S/o Shri S.S.Sharma, aged about R/o opp.Badshai Maszid, Alanpur, District-Sawai Madhopur, Casual Announcer/Compere/Production Assistant/All India Radio and 84 others.Petitioners.

(By Advocate: Shri Abhay Jain)

Vs.

1. Shri N.K.Sinha, Secretary Ministry of Information & Broadcasting, Room No.654, A Wing, ShastriBhawan, New Delhi.
2. Shri S.S.Vempati, Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi-110001.
3. Shri F.Sheheryar, Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.

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4. Shri Bhim Prakash Sharma S/o Late Bhawani Prasad Sharma, age about 59 years, Assistant Director, Programme, Akashwani, Jaipur. ...Respondents

(By Advocate: Shri N.C.Goyal)

C.P. No. 20/2018 in O.A. No.360/2017

Upendra Mehra S/o Shri Narendra Kumar Mehara, aged about R/o Naya Bass, Near Jai Paltan, District Alwar Casual Announcer/Compere/Production Assistant, All India Radio and 8 others.Petitioners.

(By Advocate: Shri Abhay Jain)

Vs.

1. Shri N.K.Sinha, Secretary Ministry of Information & Broadcasting, Room No.654, A Wing, Shastri Bhawan, New Delhi.
2. Shri S.S.Vempati, Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi-110001.
3. Shri F.Sheheryar, Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.
4. Shri Bhim Prakash Sharma S/o Late Bhawani Prasad Sharma, age about 59 years, Assistant Director, Programme, Akashwani, Jaipur. ...Respondents

(By Advocate: Shri N.C.Goyal)

C.P. No. 21/2018 in O.A. No.366/2017

Narendra Mishra S/o Late Shri Radhe Shyam, aged about 43 years, R/o 80, Jawahar Nagar, Truck Union, Cement

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Factory Road, District Sawai Madhopur, Casual Announcer/Compere/Production Assistant, All India Radio and 3 others.Petitioners.

(By Advocate: Shri Abhay Jain)

Vs.

1. Shri N.K.Sinha, Secretary Ministry of Information & Broadcasting, Room No.654, A Wing, Shastri Bhawan, New Delhi.
2. Shri S.S.Vempati, Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi-110001.
3. Shri F.Sheheryar, Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.
4. Shri Bhim Prakash Sharma S/o Late Bhawani Prasad Sharma, age about 59 years, Assistant Director, Programme, Akashwani, Jaipur. ...Respondents

(By Advocate: Shri N.C.Goyal)

C.P. No. 22/2018 in O.A. No.616/2017

Mahesh Poonia S/o Shri Bhagwan Singh, aged about 28 years, R/o B-6/373, Sector-6, Chitrakoot Ajmer Road, Vaishali Nagar, Jaipur, Casual Announcer/Compere/Production Assistant, All India Radio and 12 others.Petitioners.

(By Advocate: Shri Abhay Jain)

Vs.

1. Shri N.K.Sinha, Secretary Ministry of Information & Broadcasting, Room No.654, A Wing, Shastri Bhawan, New Delhi.

(4)

2. Shri S.S.Vempati, Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi-110001.
3. Shri F.Sheheryar, Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.
4. Shri Bhim Prakash Sharma S/o Late Bhawani Prasad Sharma, age about 59 years, Assistant Director, Programme, Akashwani, Jaipur. ...Respondents
(By Advocate: Shri N.C.Goyal)

C.P. No. 23/2018 in O.A. No. 390/2017

Neha Sharma W/o Shri Ajay Sharma, aged about 33 years, R/o Plot No.24, Sab Jail Sab Jail Ke Piche, Karamchari Colony, District Sawai Madhopur (Raj.) Casual Announcer/Compere/Production Assistant, All India Radio and 02 others.Petitioners.
(By Advocate: Shri Abhay Jain)

Vs.

1. Shri N.K.Sinha, Secretary Ministry of Information & Broadcasting, Room No.654, A Wing, Shastri Bhawan, New Delhi.
2. Shri S.S.Vempati, Chief Executive Officer, Prasar Bharti House, Copernicus Marg, New Delhi-110001.
3. Shri F.Sheheryar, Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.
4. Shri Bhim Prakash Sharma S/o Late Bhawani Prasad Sharma, age about 59 years, Assistant Director, Programme, Akashwani, Jaipur. ...Respondents
(By Advocate: Shri N.C.Goyal)

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ORDER**Per: A.Mukhopadhyaya, Member (A):**

These five contempt petitions, (CPs), relate to essentially identical interim orders passed by this Tribunal issuing directions to the same set of respondents. In these CPs, the impugned interim orders are dated 06.06.2017, (OA No.291/00359/2017), 06.06.2017, (OA No.291/00360/2017), 20.06.2017, (OA No. 291/00366/2017), 01.12.2017, (OA No. 291/00616/2017), and 12.07.2017; (OA No.291/00390/2017). The operative portion of the interim orders passed by this Tribunal's in the connected OAs 291/00359/2017 read as follows:

OA No. 291/00359/2017, OA No. 291/00360/2017 and OA No. 291/00366/2017

....Meanwhile, to maintain the balance of convenience, as a provisional measure, respondents are directed to maintain status as on date, qua the applicants till the next date of hearing, no doubt subject to their meeting the skill/requirements of the job, which are laid down by the respondents as of now.

OA No. 291/00616/2017

Status quo with regard to the services of the applicants as it exists today shall be maintained till the next date of hearing.

OA No. 291/00390/2017

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In view of order passed in the aforementioned OA, the respondents are directed to maintain status quo qua the applicants.

2. With the consent of learned counsel for the parties, the facts are taken up from CP No.19/2018; (connected OA No.291/00359/2017). The brief facts of these cases, in which the above mentioned *status quo* orders were issued are that the petitioners, who are Casual Announcers/Comperes/Production Assistants in All India Radio, (AIR), vide their connected OAs Nos. 291/00359/2017, 291/00360/2017, 291/00366/2017, 291/00616/2017 and 291/00390/2017 respectively related to the CPs sought the setting aside of impugned orders No.15/3/2017 P-6 dated 21.02.2017, (Annexure A/1), and No.15/3/2017 P.IV dated 18.04.2017, (Annexure A/2), vide which the respondents have laid down guidelines on the subject of audition/re-screening of assignees for selection of assignees in AIR. The applicants contend that this is intended to create a fresh panel of assignees and would affect the applicants' chances of regularisation under the scheme for regularisation of such Casual

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Announcers/Comperes/Production Assistants which was to be finalised and implemented by the respondents under the connected OAs. It is in this context that the status quo orders qua the applicants, as mentioned above, were issued by the Jaipur Bench of this Tribunal. The same, according to the petitioners, are being deliberately violated by the respondents in contempt of court.

3. The petitioners contend that as far as the impugned interim orders are concerned, the main issue involved in the OAs, i.e. regularisation of their services are pending in various courts of law, including SLP No.13876-13877/2016 before the Hon'ble Supreme Court of India. In this case the Apex Court has passed the following interim orders, (Annexure A/3 of connected OA No.291/00359/2017 refers):-

Status quo, obtaining as of today shall be maintained, in the meanwhile.

4. The petitioners contend that the connected judgment in this regard passed by the Hon'ble High Court of Kerala

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at Ernakulam was *in rem*. Despite this, various AIR Stations situated in Rajasthan have issued fresh orders seeking to make a new panel for the same services which the petitioners were already providing. Such orders have been issued, according to the petitioners, on the oral instructions of the respondents and in the course of taking further action on the impugned orders of 21.02.2017 and 18.04.2017, the petitioners were not being assigned duties in various AIR Stations in Rajasthan. They contend that after the issue of the interim status quo orders in question, they were assigned duties for some time but then AIR Stations at Rajasthan thereafter almost stopped giving them duties. The petitioners contend that they have already sent a legal notice dated 11.05.2018 to the respondents in this regard, (Annexure A/2 of CP), but that this had not deterred the respondents; hence this CP.

5. In reply, respondent No.3, viz Director General AIR has submitted an affidavit in which it has been stated

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that the order passed on the subject by the Hon'ble Supreme Court in SLP No.No.13876-13877/2016 referred to by the petitioners was with respect to the applicants before the Hon'ble Ernakulam Bench of the Tribunal and the Hon'ble High Court of Kerala at Ernakulam and was not *in rem* or indeed a general order as contended by the petitioners. As far as the present petitioners are concerned, the affidavit states that the respondents have been complying with the orders of this Bench of the Central Administrative Tribunal and that this Tribunal has not issued any directions regarding the contents of the scheme, (for regularisation), in issue or the manner in which the scheme has to be formulated in its impugned orders. The respondents contend in their affidavit that a committee was constituted to explore the feasibility for framing guidelines for regularisation of casuals engaged by various AIR Stations all over India. The respondents further contend that after detailed discussions/deliberations on the issue at great length and after having consulted a number of experts in this field, the said committee submitted its report on 28.02.2016 to the competent authority which approved and accepted

the committee's findings. These findings are that as the casuals in question are performing their functions only for a few hours in a day and for a maximum of six days in a month or 72 days in a year and therefore any attempt at their regularisation in service is fraught with complications and would jeopardise the interests of the respondent organisation. Thus, the committee has opined that the idea, (of regularisation), is neither administratively feasible nor economically viable and such regularisation on the whole would be against the principles of natural justice as also the large public interest. The respondents further aver in their affidavit that while the impugned status quo orders in favour of the petitioners do mandate that the applicants also be included in any panel of casual employees prepared by the respondent organisation in the radio stations under their charge, they do not restrain the DG AIR, (respondent number 3), from conducting auditions/rescreening for fresh/existing panels of casual assignees. The respondents contend that since the applicants are also included in the relevant panels of the AIR Stations concerned, there has been no contempt of any court

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order or indeed of any of the status quo orders as the services of the petitioners have not been dispensed with but are being utilised by assigning them duties as and when required. Thus, they have prayed that the CPs against the respondents are without basis and be dismissed.

6. Learned counsels for the petitioners and the respondents were heard and the material available on record was perused. While both counsels reiterated the averments made in the CPs and the affidavit in reply respectively, there was no assertion by the learned counsel for the petitioners that the petitioners had been excluded from any panel of Casual/Compere/Production Assistants maintained at any AIR Stations.

7. A plain reading of the impugned interim orders of which contempt has been alleged by the petitioners shows that these refer only to status quo being maintained in this entire matter vis-a-vis the petitioners.

8. In our view, these interim orders cannot be stretched so as to restrain the respondents from enlarging or refreshing the panel of casual assignees maintained by the respondent organisation at its AIR Stations provided the petitioners are not specifically excluded from any such panel. The petitioners have not been able to demonstrate any single case of such exclusion. Instead, they have referred to a situation in which they are being given a lesser number of assignments as compared to earlier. As regards this aspect, since the status quo in question does not envisage the petitioners being given any minimum number of assignments in a given period in specific terms, we do not find any substance in their contention that the interim orders of status quo passed in their favour have been violated by the respondents especially in view of the undisputed fact that inclusion of the petitioners in any panel of casual assignees does not mandate their being given any minimum number of assignments within a fixed period of a month or year. This has also been detailed and explained by the respondents by way of an affidavit.

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9. In the result, it is our finding that no case is made out for any kind of violation of the impugned interim orders of status quo by the respondents and certainly no substantive evidence has been provided of wilful violation of the same.

10. In view of the findings as above we find no force or merit in the CP brought by the petitioners against the respondents in any of these CPs. Consequently, all the five CPs are dismissed and rule of the court is discharged in all of these cases.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/