

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.6194 OF 2014

ORDER:

This writ petition was filed challenging the tender notification dated 1.12.2014 inviting applications for providing personnel to work in various fields on day-to-day basis.

The petitioners claim to have been appointed as casual workers. They have been demanding regularization of their services by granting equal pay for equal work, bonus etc. They sought intervention of the Assistant Commissioner of Labour (Central) Hyderabad also. The conciliation proceedings did not yield any result. After issuance of the present tender notification also, the petitioners submitted a representation to the Assistant Commissioner of Labour on 10.2.2014. However, the tenders were opened and work was going to be awarded with effect from 1.3.2014. Aggrieved by the same, the present writ petition was filed.

This Court by order dated 4.3.2014 granted interim direction to avail the services of the members of the petitioner-union, who were

continuing as on 8.4.2013, pending disposal of the writ petition.

Now, a counter-affidavit is filed along with the vacate stay petition stating that in order to conduct the programs for 24 hours, several technical personnel are booked on assignment basis to assist the regular staff. They are booked purely on assignment basis for a particular program. The respondents have not issued any contract to any one for working 240 days in any calendar year. The engagement of the performing artists is purely on assignment/need basis. Normal assignment is given to such performing artists on payment of prescribed fee from time to time. The vacancies in the cadre of various posts are filled up by direct recruitment as per Recruitment Rules. There is no scheme for regularization of services. The petitioners are not even casual workers, but they were engaged depending on the assignment and they are not entitled for any regularization. They are paid only fee but not wages or salary. It is a routine practice by various Doordarshan Kendras to call for quotation for providing man power in various categories. If the petitioners are eligible, they can

approach Doordarshan through Agency for the suitable service according to their qualification and experience.

There is no dispute that the petitioners were engaged on hourly basis or on assignment basis, but they were never continuously engaged on daily wages. The respondents wanted to engage technical personnel to assist the regular staff in production activity and for the said purpose, the tender notification was issued. The petitioners, who were engaged on hourly basis depending on the assignment, cannot challenge the said notification. When the notification was issued only for supplying man power through an agency, it is always open to the petitioners to approach the agency to engage them keeping in view their past experience, but they cannot claim any regularization or interdict the activity of the respondents in mobilizing the man power through the agency.

In view of the same, the writ petition fails and is accordingly dismissed. However, the dismissal of the writ petition does not dis-entitle the petitioners from seeking appropriate remedies under the provisions of the Industrial Disputes Act, 1947 or

any other provisions of law, if they are otherwise eligible. The petitioners are at liberty to seek employment through agency keeping their past experience and qualification. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

14th July, 2016

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