

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 2912 of 2015
IN
Civil Writ Jurisdiction Case No 2797 of 2014

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1. Narendra Kumar Srivastava S/o Late Munna Lal Srivastava, Resident of DDK Lay Centre, P.O.- Siwan, P.S. Siwan, District - Siwan (Bihar), Posted as Engineering Assistant at Siwan, Now Doordarshan Maintenance Centre, Motihari (Bihar)
 2. Krishna Kumar Gupta Son of Late Kamta Prasad Gupta, Resident of Bahadurpur, District- Patna
 3. Awadhesh Kumar Pandey, son of Late Murlidhar Pandey, Resident of DDK Centre, Now Doordarshan Kendra, Patna
 4. Mahesh Lepcha son of Late Lalit Narayan Puri, Resident of Lodhipur, Patna, P.O. & P.S.- Fatwh, District- Patna posted as Senior Engineering Assistant at DDK Saharsa now Posted as Senior Engineering Assistant, DDK, Patna
 5. Gyan Prakash Mishra son of Late Radha Raman Mishra, Engineering Assistant, DDK, Patna now LPTV, Azamgarh (U.P.)
 6. Amlendu Kumar Choudhary son of Late N.K. Choudhary, Senior Engineering Assistant, DDK, Now LPTV, Sitamarhi (Bihar)

.... Petitioner/s

Versus

1. The Union of India through Sri Sunil Arora, Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi
2. Sri Jawahar Sircar, Chief Executive Officer, Prasar Bharati, Broadcasting Corporation of India, 2nd Floor, P.T.I. Building, Sansad Marg, New Delhi- 1
3. Sri C. Lalrosanga, Director General, Doordarshan, Doordarshan Bhawan, Mandi House, New Delhi
4. Sri F. Sheharyar, Director General, All India Radio, Akashwani Bhawan, New Delhi
5. Sri P.N. Singh, Station Director, Now known as Deputy Director, Programme, Doordarshan Kendra, Patna
6. Sri P.K. Thakur, Station Director, Now Deputy Director General, All India Radio, Patna

.... Respondent/s

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For the Petitioner/s : Mr Jitendra Singh, Sr Advocate with
M/s Shankar Kr Thakur, M P Dixit, Sanjay Kr Chaubey,
S K Dixit & Shailendra Kr, Advocates

For Union of India : Mr. Sanjay Kr, ASG

For Respondent No 4: Mr S M Arif, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 13-07-2016

We have heard Shri Jitendra Singh, learned Senior

Counsel in support of this application and Shri S M Arif, learned counsel appearing for All India Radio.

2 Having given our anxious consideration to the matter at hand, we had intended to end the controversy but finding that these are proceedings in contempt and our jurisdiction is limited not being adjudicatory, we advisedly refrain from entering into the merits of the matter. We may notice that in the writ proceedings, the only positive direction we had given, without findings of fact, that the authorities must consider the cases individually and take a decision. We had noticed the earlier rounds of litigations and findings therein that Director General, All India Radio, not having passed appropriate orders within the time fixed, these proceedings were initiated whereupon orders were passed.

3 Mr Jitendra Singh, learned Senior Counsel for the petitioners submitted that the orders were deliberately wrongly passed denying them the privileges they were entitled to because they have moved in contempt.

4 On the other hand, learned counsel appearing for All India Radio submitted that in fact there were material facts which had not been appreciated earlier and noticing those facts, this order has been passed in bona fide.

5 To us, now it appears, whether the order is right or wrong, would be a matter of adjudication but surely not a matter of contempt. It would, thus, be desirable that the petitioners take

recourse to the settlement of dispute at the level of the Tribunal at the first instance and once the facts and issues are settled, the aggrieved party would have his remedy but such an adjudication would be totally undesirable in a contempt proceeding.

6 We, accordingly, so direct and dispose of these proceedings.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

M.E.H./-

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