

IMMEDIATE

No. 515/04/2014- BA (E)  
Government of India  
Ministry of Information and Broadcasting  
Shastri Bhawan, New Delhi- 1100 01

27<sup>th</sup>  
Dated 21<sup>st</sup> October, 2014

To,  
The Director General. AIR,  
DG: AIR,  
Akashwani Bhawan,  
New Delhi.

(Kind Attn. Deputy Director (Admn.))  
(Sh. Ajay Kumar K.P.)

**Subject:- Filing of Writ Petition in lieu of Review Application No. 141/2012 filed against Hon'ble Tribunal CAT, Patna in CCPA No. 22/2011 in OA No. 514/2002 after withdrawal of Review Application vide High Court order dated 23-10-2013 for challenging the CAT order dated 07-09-2009 in OA No. 514/2002-reg.**

Sir,

I am directed to invite a reference to this Ministry letter of even number dated 16-04-2014 on the subject mentioned above.

2. It will not be out of place to mention that in the wake of **amendment to Section-11 (1)(4)** of Prasar Bharati Act, Prasar Bharati, Prasar Bharati is now vested with full supervisory and controlling powers on the officers and employees working in PB including AIR and Doordarshan on deemed deputation. Amended section 11(1)(4) reads as under:-

*"Notwithstanding anything contained in any other law for the time being in force, the Corporation shall have the disciplinary and supervisory powers and supervisory powers and full control on the officers and employees referred to in sub-section (1) and sub-section (2), including the power of transfer them from one place, post or media to another, and to suspend, initiate disciplinary proceedings and impose major or minor penalties"*

3. Thus from the above it is evident that Respondent – Contemnor No. 1 has virtually no role in implementing the court / CAT orders in all such cases already identified in our letter dated 16-04-2014 and also the similar cases which might be in the pipeline except



to convene the Screening Committee to consider extending of CAT, Patna order dated 07-09-2009 in respect of all those individuals whose cases are certified by DG:AIR that they are similarly placed with that applicant of CAT Patna order dated 07-09-2009 in OA No. 514/2002. Unfortunately, in such few cases wherein the action to examine whether the case (s) is / are covered in terms of CAT Patna order dated 07-09-2009 is still pending on the part of DG:AIR i.e Respondent-Contemnor No. 2 is still awaited. However, the Hon'ble Tribunal, New Delhi has imposed penalty of Rs.1000/- to Rs.2000/- on Respondent No.1 to pay to the applicant for not implementing their order(s). The Tribunal is under the impression that Respondent No.1, being Ministry, is vested with inherited powers to prevail over DG:AIR or DG: DDn though the position is contrary in the wake of amendment to Section 11(4) of the PB Act referred to in Para No.4 above. Therefore, taking the entire scenario as emerged on account of amendment to Section 1(4) of the Act, DG:AIR is once again urged upon to expedite the proposal in respect of the following cases whether these are covered in terms of decision of CAT, Patna dated 7.9.2009 in OA No.514/2002. If so, their complete proposal from the point of view of vigilance clearance, integrity certificate and CR dossier may be furnished to the Ministry immediately so that Screening Committee meeting is convened at the earliest possible:-

S. no.	Particular of OA	Briefs of the order passed if any in the OA	Remarks
1.	Sh. Pradeep Kumar & 23 other have filed OA No. 51/2014 before CAT, Delhi praying for extending them the benefit of judgment dated 07-09-2009 passed by CAT, Patna	The Hon'ble Tribunal Delhi directed to extend them the benefit already granted to the applicant in OA No. 753/2013 (Umesh Kumar & Ors. Vs. UOI) vide Tribunal order dated 04-03-2013 which was followed by order dated 20-12-2013 in OA No. 4439/2013 filed by Sh. Pradeep Gupta & Ors, if they were covered under the orders of Tribunal order dated 07-09-2009 in OA No. 514/2002. Accordingly, the Tribunal in the case of Sh. Pradeep Galhotra & ors directed on 08-01-2014 to examine the case of the applicants and if their case is also covered under the above mentioned OAs then the applicants in this case may also be considered for extending the benefit of OA No. 514/2002.	Since the case of Sh. Umesh Chandra is listed for hearing on 01-12-2014 and this case is also linked with the outcome of Sh. Umesh Chandra, the complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.



2.	<p>Shri Pradeep Galhotra and 60 other EA/SEA/AE filed OA No.4520/2013 before CAT, New Delhi to consider their representations to extend them the benefit of CAT Patna order dated 07.09.2009 in OA No.514/2002 in terms of grant of ACP in the light of instructions of DoPT OM dated 9.8.1999.</p>	<p>The Hon'ble Tribunal in its order dated 24.12.2013 has directed the respondent to examine the case of the applicants and if it is covered by the order dated 07-09-2009 of CAT Patna in OA No 514/2002.</p>	<p>The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>
3.	<p>Sh. Anil Kumar Sharma &amp; 39 Ors. have filed OA No. 4151/2013 before CAT, Delhi praying for direction to the respondents to grant them the benefit of ACP Scheme in accordance with the direction passed by CAT, Patna dated 07-09-2009 in OA No. 514/2002.</p>	<p>To examine their cases and found to be similarly placed is that of applicants in CAT, Patna order dated 07-09-2009 in OA No. 514/2002 extend them the same benefit.</p>	<p>Since Respondent No. 2 i.e. DG:AIR who had already been requested vide our letter dated 16-04-2014 to seek extension in such cases including Sh. A.K.Sharma since the matter had already taken with Ministry of Law and DOP&amp;T for filing writ petition or otherwise against CAT, Patna order dated 07-09-2009 in OA No. 514/2002. The Hon'ble Tribunal imposed a penalty of Rs. 2000/- on Respondent to make payment to the applicant. The next date of hearing in the case is 25-11-2014. Therefore, DG:AIR may furnish the complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>

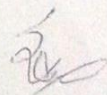


4.	<p>Union of AIR &amp; Doordarshan (PB) Engineering Employees through its General Secretary Sh. Debashish Choudhary &amp; 92 Ors. have filed OA No. 4462/2013 before CAT, Delhi praying for a direction to the respondents to extend them the benefit already granted to the applicant in OA No. 514/2002 before CAT, Patna.</p>	<p>Ministry is not aware of any order passed in the case. However, the case is slated for next hearing on 07-11-2014 (first hearing to place on 17-02-2014).</p>	<p>The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>
5.	<p>Sh. Pradeep Gupta &amp; 34 Ors. have filed OA No. 4439/2013 before CAT, Delhi for a direction to the respondents to extend them the benefit already granted to the applicant in OA No. 514/2002 before CAT Patna.</p>	<p>The Tribunal CAT, PB, New Delhi has passed interim order dated 20-12-2013 to examine the case and grant them the necessary benefit if covered under OA No. 514/2002.</p>	
6.	<p>Sh. Neeraj Tirkey &amp; 115 Ors have filed OA No. 305/2014- MA No. 270/2014 before CAT, PB, New Delhi for a direction to the respondents to extend them the benefit already granted to the applicant in OA No. 514/2002 before CAT, Patna.</p>	<p>Ministry is not aware of the next date of hearing. However, the Govt. Advocate who is being engaged for represent the Secretary, I&amp;B in such cases may find out the present status of the case.</p>	<p>The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>
7.	<p>Sh. Y.P.Singh &amp; Ors. have filed OA No. 854/2014 - MA No. 763/2014 before CAT, PB, New Delhi for a direction to the</p>	<p>The Tribunal in its interim order dated 11-03-2014 have not passed any direction to extend them the benefit already granted to the applicant in OA No. 514/2002 before CAT, Patna.</p>	<p>The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT,</p>



	<p>respondents to extend them the benefit already granted to the applicant in OA No. 514/2002 before CAT, Patna. The date for admission of OA was 01-01-2014.</p>	<p>The Tribunal has however, in its interim order dated 11-03-2014 directed the court registry to issue notice to the respondents for admission of the case on 01-01-2014.</p>	<p>Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting. The next date of hearing in CP 13-11-2014</p>
8.	<p>Sh. Thomas Mathew &amp; 8 Ors. have filed OA No. 1147/2014 regarding implementation of CAT, PB, New Delhi order dated 03-04-2014. Next date of hearing on 13-11-2014.</p>	<p>To examine their cases and found to be similarly placed is that of applicants in CAT, Patna order dated 07-09-2009 in OA No. 514/2002 extend them the same benefit.</p>	<p>CP is listed for hearing on 13-11-2014. The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>
9.	<p>Sh. Umesh Chandra &amp; Ors have file OA No.757/2013- MA No.594/2013 and fresh MA No.1291/2013 for execution of CAT order dated 04.03.2013.</p>	<p>To examine their cases and found to be similarly placed is that of applicants in CAT, Patna order dated 07-09-2009 in OA No. 514/2002 extend them the same benefit.</p>	<p>CP is listed for hearing on 01-12-2014. The complete proposal from the view point of vigilance clearance, integrity certificate and CR dossiers etc in respect of those who are found to be similarly placed is CAT, Patna be furnished to Ministry to enable the Ministry i.e. Respondent No. 1 to convene Screening Committee meeting.</p>

Yours faithfully,



(Sanjay Dhar)

Under Secretary, BA(E)

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