

**Central Administrative Tribunal
Principal Bench**

CP No.297/2011

in

OA No.2940/2010

New Delhi, this the 17th day of May, 2012

Honble Dr. Veena Chhotray, Member (A)

Honble Dr. Dharam Paul Sharma, Member (J)

1. Shri Praveen Kumar,
Engineering Assistant,
Doordarshan CPC,
Khel Gaon, New Delhi.
2. Shri Sudhir Kumar,
Engineering Assistant,
L.P.T. Aligarh (UP)
3. Shri Pradip Kumar,
Engineering Assistant,
AIR Mussoorie, Uttrakhand.
4. Shri Anil Khaire,
Engineering Assistant,
Doordarshan Kender,
New Delhi.
5. Shri H.V. Singh,
Engineering Assitant,
Doordarshan Kender, New Delhi.
6. Shri Kuldeep Sharma,
Engineering Assistant
Doordarshan Kendra, New Delhi.

Applicants

(By Advocate : Shri A.K. Bhakt)

Versus

1. Shri Raghu Menon,
The Secretary,
Ministry of Information & Broadcasting,
Govt. of India, Sansad Marg, New Delhi.
2. Ms. Noorin Naqvi,
Director General,
All India Radio, Akashvani Bhawan.
3. Shri Rajiv Takroo,
CEO (Chief Executive Officer)
Prasar Bharti, New Delhi.
4. Shri Ram Prakash,
Assistant Director (Engineering)
For Chief Engineer (N.Z.),
Akashwani & Doordarshan,
Jamnagar House, Shahjahan Road,
New Delhi.

Respondents.

(By Advocate : Shri D.S. Mahendru, Shri Vikrant Yadav and Shri S.M. Arif)

ORDER (ORAL)

Dr. Veena Chhotray, Member (A) :

The CP No.297/2011 has been filed alleging non compliance of the Tribunals directions in OA No.2940/2010 vide the order dated 30.11.2010. In a case emerging from grant of identical pay scales to the posts of Engineering Assistants and Sr. Engineering Assistants under the All India Radio and Doordarshan, on recommendation of 6th CPC, the following directions had been issued by this Tribunal :-

We, however, cannot be oblivious of the right of the applicants to be considered on fair and equitable basis for promotion as a fundamental right for which we now direct respondents to finalise the merger and also the RRs in consultation with whatever authorities involved within a period of three months from the date of receipt of a copy of this order and thereafter on the basis of vacancies available, the claim of the applicants for promotion through departmental competitive examination be considered. In such an event, the law shall take its own course.

2. In course of this Contempt Petition, the matter has been heard on number of dates and the respondents have been keeping the Tribunal apprised of the steps being taken by them towards implementation of the aforesaid directions. Vide their latest progress report dated 27.3.2012 submitted on behalf of the Ministry of I&B (Respondent No.1) the following submissions have been made :-

14. That with the approval of DoPT and Ministry of Finance, one action i.e. merger of SEA and EA is complete. However, the follow up action for amendment of the Recruitment Rules, has also been initiated. As regards further course of action i.e. amending the Recruitment Rules, the proposal for amending the Recruitment Rules on the basis of the decision to merge the posts of Engineering Assistant and Senior Engineering Assistant received from DG Doordarshan is presently under examination in the Ministry of Information and Broadcasting. The framing of Recruitment Rules of the merged posts of SEA and EA will again require approval of DoPT and thereafter, the proposal would go to Ministry of Law and UPSC before these are notified after finalization. As such, the process and procedure involved may take considerable time and it may not be possible to commit any precise date for the notification of the finalized Recruitment Rules. Nevertheless the Respondents are making all out efforts to finalize the Recruitment Rules and early as possible.

15. That in the backdrop of the steps taken by the Respondent- Contemnors it is prayed that this Hon'ble Tribunal may graciously be pleased to dispose of the contempt or may grant at least six months time to finalise the amended recruitment rules for the merged cadre.

3. Shri D.S. Mahendru, learned counsel for respondent No.1 makes a statement at bar on instructions from the respondents that if given at least six months time to finalise the amended recruitment rules for the emerged cadre, they would be able to arrive at finality in this matter. Shri A.K. Bhakt, learned counsel for the applicant urges the need for expeditious action in this regard considering the directions given by the Tribunal and the need for consideration of the claims of the applicant in the ultimate analysis.

4. Considering the nature of the directions given by us and the progress made by the respondents, we do not find the present case as one of the willful defiance or disobedience of the Tribunals directions. On the other hand, respondents have been taking consistent steps in the positive direction and have also achieved certain results. We are, therefore, inclined to accept the assurance given by the learned counsel for the respondent No.1 and close the CP with the stipulation that the amended Recruitment Rules would be finalized for the merged cadre within this period of six months being granted now. In the event of the same not happening, the applicants would be at liberty to revive this CP.

(Dr. Dharam Paul Sharma)
Member (J)

(Dr. Veena Chhotray)
Member (A)

