

Cont.Petition No.664 of 2015

K.K.SASIDHARAN,J.
and
M.V.MURALIDARAN,J.

K.K.SASIDHARAN,J.

This contempt petition is filed by the petitioners in W.P.No.27155 of 2010 alleging non-compliance of the order dated 24 November 2010.

2. The petitioners filed Original Application in O.A.No.390 of 2006 before the Madras Bench of the Central Administrative Tribunal, claiming notional fixation of pay scale from 01.07.1983 for Technicians and Senior Technicians in All India Radio and Doordarshan on par with Lighting Assistant. The Original Application was dismissed by the Tribunal, by order dated 10 July, 2008. The order was challenged by the petitioners in W.P.No.27155 of 2009.

3. The Division Bench, by order dated 24 November 2010 allowed the writ petition in W.P.No.27155 of 2009. The respondents were directed to extend the benefits of notional fixation of pay scale with effect from 01.07.1983 taking into account the prayer in O.A.No.390 of 2006.

4. The respondents challenged the order dated 24 November, 2010 in W.P.No.27155 of 2009 before the Hon'ble Supreme Court in S.L.P.(Civil) No.33048 of 2011. The Hon'ble Supreme Court, while dismissing the Special Leave Petition, very clearly observed that the respondents herein failed to explain the rationale of denial of parity in the matter of pay scales to the Technicians working in All India Radio and Doordarshan vis-a-vis Lighting Assistants Grade -II and Grade I, despite the fact that they were paid salary in the identical pay scale till 1.7.1983 and that parity was restored after a gap of about 13 years with effect from 1.1.1996.

5. The Director General, All India Radio, passed an order dated 6 June 2011 pursuant to the direction given by the Division Bench and subsequently, by the Hon'ble Supreme Court.

6. The petitioners have come up with this contempt petition alleging that the order has not been complied with in its letter and spirit.

7. When this contempt petition came up for hearing on an earlier occasion, the learned Additional Solicitor General contended that the pay parity in respect of Technicians and Senior Technicians with Lighting Assistant has already been given to the employees, pursuant to the direction given by the High Court and the Hon'ble Supreme Court. The learned Additional Solicitor General placed reliance on the counter affidavit filed by the Additional Director General, All India Radio and Doordarshan, Chennai, to demonstrate that there is nothing to be implemented after issuing the proceedings dated 6 June, 2011.

8. The petitioners filed a reply affidavit, wherein, it was contended that the respondents implemented the order only from 11.03.2014, instead of 24.11.2010. Similarly, it was contended that the respondents have not implemented the order in respect of Senior Technicians by placing them in the pay scale on par with Lighting Assistant Grade I. In short, it was contended that the respondents had given the pay scale of Rs.1400-2300/- and directly fixed at Rs.5000-8000/- without fixing the intermediary pay scale of Rs.1600-2660/-.

9. The learned Additional Solicitor General fairly submitted that in case this Court is of the view that the order is yet to be implemented in its letter and spirit, the respondents would pass appropriate orders. The learned Additional Solicitor General submitted that the process would be easy, in case, this Court points out the shortcomings in the proceedings dated 11.03.2014 and as to why the order was not in compliance with the direction given by this Court.

10. In view of the said submission, we consider it necessary to make the following observation:-

i) The High Court allowed the writ petition in W.No.27155 of 2009 by order dated 24 November 2010. The respondents implemented the order only from 11.03.2014. The fact that the respondents filed a Special Leave Petition and it was dismissed only on 10.01.2013 would not give them right to deny the benefits to the petitioners granted by the High Court. The order should be implemented within the time granted by this Court in W.P.No.27155 of 2009. The respondents were given eight weeks' time for implementation. The time expired on 23.01.2011. The notional fixation as indicated in the order dated 11.03.2014 shall commence from 23.01.2011.

ii) The notional pay fixation for Technicians and Senior Technicians should be in the light of the proceedings dated 6 June, 2011 found in Page 55 of the typed set of papers. The Deputy Director of Administration, Directorate General, All India Radio, taking into account the salary paid to the Light Assistants, calculated the benefits due to the Technicians and Senior Technicians. However, while passing the order dated 11 March 2014, the respondents totally ignored the earlier proceedings dated 6 June, 2011.

11. We are therefore of the view that the respondents have not complied with the order in its letter and spirit and that they should implement the proceedings dated 6 June, 2011. In short, compliance would be made only in case a fresh proceedings is issued, taking into account the proceedings dated 6 June 2011 on the file of the Director General, calculating the revision of salary and amount payable to the employees.

12. Since the Additional Solicitor General seeks reasonable time to pass fresh orders, let this contempt petition be posted on 19.06.2017.

(K.K.SASIDHARAN.,J.) (M.V.MURALIDARAN.,J.)

24 April 2017

K.K.SASIDHARAN,J.
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M.V.MURALIDARAN,J.

(svki)

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24.04.2017

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