

Central Administrative Tribunal, Principal Bench
New Delhi

C.P. No.54/2002

IN

O.A. No.93/2001

New Delhi this the 22th day of May, 2002

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

1. Shri Raj Kumar. S/o Shri Ram Singh,
R/o Village/P.O. Kultana
(Rohtak - Haryana).
 2. Shri Balbir Singh, S/o Shri Shankar Lal,
R/o Sonia Vihar, Delhi-110053.
-Petitioners
- (By Advocate : Shri T.C. Aggarwal)

Versus

1. Shri Anil Baijal, Addl. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.
 2. Shri T.R. Malakew, D.G.
All India Radio, Akashvani Bhawan,
Parliament Street,
New Delhi-110001.
 3. Dr. Gangesh Gunjan, Director,
Transcription & Programme Exchange,
Services (All India Radio, Akashvani
Bhawan, New Delhi -110001.
-Contemnors
- (By Advocate : Shri R.V. Sinha)

ORDER (ORAL)

Hon'ble Mr. Kuldip Singh, Member (J)

We have heard arguments of learned counsel for the parties on Contempt Petition.

2. The OA filed by the applicant was disposed of with the following directions:-

"4. Having regard to the rival contentions of the parties and Annexures A-1 and A-2 the respondents are directed to consider according temporary status to the applicants on the basis of their being rendering requisite service of 206 days and further regularisation against Group 'D' posts in accordance with rules and instructions on the subject. The respondents shall also consider the representation to be made by the applicants, staking their claim for

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accord of temporary status as well as regularisation from 1.9.93 on the basis of documents to be furnished to them by the respondents and to pass a detailed and speaking order, within three months from the date of receipt of a copy of the representation. With this, the OA is disposed of, at the admission stage itself. No costs.:

3. Respondents in compliance of the aforesaid orders passed the order dated 17.1.2002 and in paragraph 4, particularly, it has been mentioned that "the competent authority found that you have been engaged only for 148 days and hence have not completed the requisite number of days i.e. 206/240 days in a year as on 10.9.1993, the crucial date in terms of the provisions of DOP&T's O.M. dated 10.9.1999, referred hereinabove". However, on the last date of hearing on 11.4.2002, the learned counsel appearing for the applicants had submitted that certain juniors to the applicants, namely, S/Shri Jai Prakash and Jay Karan were granted temporary status when they completed 206 days. Keeping in view the contention of the applicants, we called upon respondents to file an additional affidavit stating that in what circumstances these juniors have been granted temporary status. The additional affidavit, as ordered by this Tribunal, filed by the respondents, wherein it is stated that no seniority list is being maintained by the department and even as regard to the according of temporary status to S/Shri Jai Prakash and Jai Karan which were admittedly accorded by the respondents as stated to have been erroneously granted and the action will be taken against the erring official who is liable for the said lapses. Thus, it is submitted that the temporary status accorded upon S/Shri Jai Prakash and Jai Karan have been erroneously granted which is being withdrawn by the department itself. Thus, we find that the applicants whose claim was basically on the ground

that temporary status have been granted to their juniors i.e. S/Shri Jai Prakash and Jai Karan that basis of the claim itself falls. Having regard to the submissions of the respondents that they have themselves detected that the conferment of temporary status was done only on erroneous administrative decision. The applicants cannot take benefits of that erroneous decision.

4. So far as the compliance of the orders is concerned, the counsel for the applicants has submitted that during the argument the respondents have given an undertaking as stated in para 3 of that judgement "in view of the applicants having rendered requisite service of more than 206 days they shall be considered for accord of temporary status and further regularisation in accordance with the DOP&T Scheme of 1993". First of all, we find that this is not undertaking in the eyes of law. But whatever averments made by the respondents shall consider the case of the applicants for accord of temporary status. Due consideration has been given and respondents have found that the applicants had not completed 206/240 days in a particular year in accordance with the DOP&T's O.M. dated 10.9.1993. For that reason, the applicants could not be granted temporary status.

5. In the result, we find that there is no willful disobedience on the part of the respondents in complying with the directions of the Tribunal's order dated 5.10.2001 in OA No.93/2001. The present Contempt Petition is dismissed and notices issued to the alleged contemnors are discharged. File be consigned to the record room. No costs.


(S.A.T. Rizvi)
Member(A)


(Kuldip Singh)
Member(J)

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