

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

CP-517/2002 in
OA-2153/1999

New Delhi this the 23rd day of April, 2003. (31)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Sh. V.K. Majotra, Member(A)

1. Association of Broadcasting Muzician(Regd.) through Shri Kailash Sharma, Vice-President, S/o Sh. H.K. Sharma, R/o 91, Kishan Kunj, Laxmi Nagar, Delhi-92.
2. Sh. Nirmalya Dey, Composer, AIR(AIR) Broadcasting House, Parliament Street, New Delhi-1.
3. Sh. Anoop Ghosh, Insturmentalist, S/o late Sh. D.N. Ghosh, R/o J 3/113, Kishan Kunj, Laxmi Nagar, Delhi-92.
4. Sh. Briji Bhushan Goswami, S/o Sh. Ram Sharan Gupta, R/o R-117/A, Ramesh Park, Laxmi Nagar, Delhi-92. Petitioners

(By Advocate : Sh. T.C. Aggarwal)

Versus

1. Sh. Pawan Chopra, Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, New Dlhi-1.
2. Sh. Uday Sahai, D.D.G(A), All India Radio, Akashvani Bhavan, Parliament Street, New Delhi-1. Contemnners

(By Advocate : Sh. A.K. Bhardwaj)

ORDER (ORAL)

Hon'ble Sh. V.K. Majotra, Member(A)

Heard both counsel.

2. Sh. T.C. Aggarwal, learned counsel for

the petitioners has drawn our attention to the

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observations of this Tribunal made in order dated 9.10.2000 in OA-2153/1999 to the effect that "the respondents should take an appropriate decision in the matter as expeditiously as possible and give them the benefits from the date of implementation of the 5th Pay Commission report as has been given to other similarly situated persons i.e. w.e.f. 1.1.1996." He also referred to the directions made by the Tribunal in that order which are as follows:-

- i) the respondents shall taken an appropriate decision in the matter regarding the recommendations of the 5th Pay Commission within three months from the date of receipt of a copy of this order, if not already done, keeping in view the above observations, with intimation to the applicants. This shall also include consideration of the cases of the applicants under the Assured Career Progression Scheme:
- ii) They shall hold the DPCs for promotion of the eligible persons in accordance with the relevant rules for Musci Composers in different grades as expeditiously as possible, in accordance with the relevant rules:

No order as to costs."

He further referred to Annexure R-I filed by the respondents by which the respondents have redistributed the existing number of posts of Tanpura Players in the scales of Rs.5000-8000, Rs. 5500-9000, Rs. 6500-10500 and Rs. 10000-15200 in the ratio of 32:45:16:6 respectively with prospective effect. This in our view is an erroneous interpretation of our

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observations by the respondents. This redistribution has to take effect w.e.f. 1.1.1996 as observed in the Tribunal's orders. In this regard, learned counsel for the respondents Sh. A.K. Bhardwaj on instructions stated that the respondents would modify Annexure R-1 dated 9.4.2003 and redistribute the posts of Tanpura Players in the aforesaid scales recommended by the 5th Pay Commission w.e.f. 1.1.1996 within a period of four weeks from today.

3. Learned counsel of the petitioners further stated that respondents have not held the DPC so far despite the vacancies exist. On the other hand, learned counsel for the respondents stated that they do not have any vacancies in the different grades of Composers. He further stated that, however, wherever there has been vacancies in Music Composers Grade-III they have accorded promotion. He referred to Annexure R-III where Sh. Muraleedharan, Music Composer, Grade-IV was granted promotion ^{to 4th} Grade-III by order dated 18.1.2002. We observe that respondents have stated in their reply that "as far as holding of DPC is concerned, the same is on going process". Thus in our considered view, so far as holding of DPC for promotion for eligible persons is concerned, no action of respondents has come to our notice which tantamounts to commission of contempt of Tribunal's directions.

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4. CP-517/2002 is disposed of with direction to the respondents to pass the orders as directed above within the stipulated period. Notices issued to the alleged contemners are discharged.

V.K. Majotra

(V.K. Majotra)
Member(A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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