

(S2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

C.P. NO.87/2002  
in  
O.A. NO.1115/1998

This the 14<sup>th</sup> day of August, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Sohan LalPasi S/O Kishan Lal Pasi,  
R/O C-1/7, Lawrence Road,  
Keshav Puram,  
Delhi-110035.
2. Martin Kher S/O Mohan Lal Kher,  
R/O 309 Double Storey,  
Kabool Nagar, G.T.Road,  
Shahdara, Delhi-110032.
3. Shri Rajesh Kumar,  
R/O 143 Samman Bazar,  
Jangpura, Bhogal,  
New Delhi-110014.
4. Shri Raj Kamal,  
R/O A/89 S.B.M.Colony,  
Shivaji Marg,  
New Delhi-110015.
5. Jagdish Singh Behanwal,  
374, Type-II, Mir Dard Lane,  
L.N.J.P. Hospital Campus,  
New Delhi.
6. Shiv Kumar,  
1113, Sector-5, R.K.Puram,  
New Delhi-110022. .... Applicant

( By Shri D.K.Jain for Dr. M.P.Raju, Advocate )

-versus-

1. Shri Pawan Chopra,  
Secretary, Government of India,  
Ministry of Information & Broadcasting,  
Shastri Bhawan, New Delhi-110001.
2. Shri Prem Matiyani,  
Director, Song & Drama Division,  
Ministry of Information & Broadcasting,  
Shastri Bhawan, New Delhi-110001.
3. Shri P.M.George,  
Deputy Director, Song & Drama Division,  
Ministry of Information & Broadcasting,  
Soochna Bhawan, 10-11 Floors,  
CGO Complex, Lodi Road,  
New Delhi-110003.

4. Shri Variyam Must,  
Deputy Director (SH),  
Song & Drama Division,  
Ministry of Information & Broadcasting,  
15/16 Subhash Marg, Daryaganj,  
New Delhi-110002. ... Respondents

( By Shri R.P. Aggarwal, Advocate )

O R D E R

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

Applicant had filed OA No.1115/1997 which was disposed of vide this Tribunal's orders of 5.6.1998 with the following directions :

"10. In the result, this O.A. is partly allowed and the respondents are directed to frame a Scheme for considering Casual Actors in the Song and Drama Division for their appointment as regular Staff Artists, by amending the recruitment rules, if necessary and till that is done to continue to engage the Casual Actors as before. This shall be done by the respondents within a period of four months from the date of receipt of a copy of this judgement. Needless to say that till this judgement is fully implemented the applicants shall be given engagement according to their seniority in the panel and the fact that they had approached the Tribunal or had been disengaged from 31.3.1997 shall not act as a bar for the applicants' re-engagement on casual basis."

Thereafter respondents filed a Civil Writ Petition (CWP No.5462 of 1998) before the Hon'ble High Court of Delhi against the aforestated orders of this Tribunal. The Writ Petition was dismissed vide orders dated 27.9.2001 (Annexure-III) on the assumption that in pursuance of this Tribunal's orders a Scheme for considering Casual Artistes in the Song and Drama Division for their appointment as regular Staff Artistes was on the anvil.

2. The learned counsel of applicants stated that respondents have yet not framed any Scheme for appointment of applicants and have, as a matter of fact, disengaged them. According to the learned counsel, in this background, applicants have moved the present contempt petition.

3. On the other hand, the learned counsel of respondents stated that on receipt of order of the Hon'ble High Court dated 27.9.2001, the department finalised a Scheme in consultation with the Department of Personnel & Training. The Scheme titled "Scheme for considering empanelled Artistes of Song and Drama Division for appointment as regular Staff Artistes" in terms of the judgement of CAT, Principal Bench in O.A. No.1115/97 is annexed with the reply affidavit of respondents as Annexure R-IV. This Scheme is stated to have been circulated for information of all concerned including empanelled Artistes in ~~in~~ all Centres of the Division on 11.4.2002. Respondents have refuted the allegation that respondents have refused to continue to engage applicants as Casual Artistes as before. According to them Song and Drama Division engages Casual Artistes in their programmes only if the programmes cannot be mounted with their own Artistes and there is a need to engage outside talent. The learned counsel further stated that applicants were engaged for a sound and light show held at Pushkar in Rajasthan in October, 1998. Applicant No.1 was engaged for a play presented in Delhi in July, 2000 and for its repeat performance at Mathura in September, 2000.

4. The learned counsel of applicants stated that applicants are empanelled artistes of Song and Drama Division. As per the aforestated Scheme 25% of vacancies in the direct recruitment quota in all categories of Staff Artistes have been reserved for regular appointment of empanelled Artistes of the same category. The relevant condition of the Scheme reads as follows :

"(i) 25% of vacancies in the direct recruitment quota in all categories of staff artistes shall be reserved for regular appointment of empanelled artistes of the same category. A running recruitment roster will be maintained by the office for this purpose indicating the vacancies to be filled up by empanelled artistes and other direct recruit candidates as per the aforesaid ratio."

5. The learned counsel of respondents further stated that as and when the Song and Drama Division is not in a position to mount its programmes with its own Artistes, applicants would be given an opportunity of engagement as outside empanelled talent and would also be considered for recruitment in terms of the aforestated Scheme.

6. The plea of applicants that respondents have not issued a Scheme for considering casual/empanelled Artistes for appointment as regular Staff Artistes is not acceptable as respondents have issued such a Scheme as per Annexure R-IV.

7. Having regard to the provisions contained in the aforestated Scheme as well as the statement made on behalf of respondents, we find that applicants have

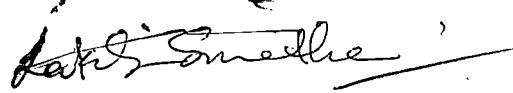


failed to establish the allegation that respondents are in any manner guilty of committing contempt of court in terms of our orders of 5.6.1998 in OA No.1115/1997.

8. Accordingly, the contempt petition is dismissed and notices to respondents are discharged.



( V.K.Majotra )  
Member(A)



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

/as/