

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 554/2001  
MA 2517/2001  
IN  
OA 2048/2000

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New Delhi, this the 12th day of November, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri Govindan S.Tampi, Member (A)

1. Shri Arun Kumar Sinha  
S/o Late Shri B.Prasad  
Announcer Gr.I  
All India Radio, Broadcasting House  
Parliament Street, New Delhi - 110 001.
2. Shri Vipin Mittal.  
Announcer Gr.I  
Commercial Broadcasting Service  
All India Radio, Broadcasting House  
Parliament Street, New Delhi - 110 001.
3. Smt. Subhashini Chhabra  
W/o Shri Ashok Chhabra  
Announcer Grade-I, C.B.S.  
AIR, New Delhi  
R/o H.No.37, Sector-3, Type-IV  
Sadiq Nagar, New Delhi - 110 049.

...Applicants

(By Advocate Shri S.Y.Khan)

V E R S U S

1. Shri Pawan Chopra  
Secretary  
Ministry of Information & Broadcasting  
Shastri Bhawan, Dr. Rajendra Prasad Marg  
New Delhi - 110 001.
2. Shri P.C.Hembram  
Director General (Programmes)  
All India Radio, Parliament Street  
Akashvani Bhawan, New Delhi.
3. Shri Anil Baijal  
Chief Executive Officer, Prasar Bharti  
Parliament Street, Akashvani Bhawan,  
Directorate General, New Delehi - 110 001.

...Respondents

(By Advocate Shri Maninder Singh with  
Shri A.K.Bhardwaj)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan,

MA 2517/2001 has been filed by the  
respondents, praying for exemption of personal  
appearance of the two officers as directed in  
paragraph 4 of Tribunal's order dated 2-11-2001.

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2. We have heard Shri Maninder Singh with Shri A.K.Bhardwaj, learned counsel for the respondents and Shri S.Y.Khan, learned counsel for the applicant, who prays for some time to file reply to MA 2517/2001. It is relevant to note that CP is listed on 13-11-2001 as part heard when the concerned officers were directed to be personally present.

3. In the above facts and circumstances of the case, we have considered the submissions made by Shri S.Y.Khan, learned counsel. As per the submissions made by the respondents, copy of the Tribunal's order dated 27-4-2001 was served on them on 14-5-2001, which fact has also been noted <sup>in</sup> the Tribunal's order dated 30-8-2001. The main direction of the Tribunal to the respondents was that they should hold the DPC for the post by promotion to the Announcer Gr.I on regular basis and take a suitable decision. This action was directed to be done within one month from the date of receipt of a copy of the order. According to the respondents, the DPC has been held by them on 12 & 13-6-2001. Shri Maninder Singh, learned counsel has tendered his unconditional apology on behalf of the respondents right in the beginning. He has also submitted that it is only because the learned proxy counsel was unable to answer the specific question put by the Bench as to when the DPC was held that the concerned officers, namely, S/Shri Anil Baijal, Chief Executive Officer, Prasar Bharti, Akashvani Bhawan, Directorate General, New Delhi and Shri S.P.Bhattacharyya, Deputy Director

(Admn) for Director General, were required to be present to show cause why they should not be punished for contempt of Court's order.

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4. From the facts mentioned above, it is seen, therefore, that the DPC in question, has been held by the respondents on 12 & 13-6-2001. While this fact has been referred to in the previous order of the Tribunal dated 30-8-2001, the date of holding the DPC has not been mentioned and it is quite possible that neither the petitioner nor the counsel would have ~~been~~ <sup>18</sup> ~~appeared~~ when actually the DPC was held. Taking into account the facts and circumstances of the case, we do not consider it necessary to give any time to Shri S.Y.Khan, learned counsel to file a reply to MA 2517/2001. Admittedly, the respondents have received a copy of the Tribunal's order dated 27-4-2001 on 14-5-2001 and have held the DPC on 12 & 13-6-2001. The contention of the learned counsel for the applicant that there has been an inordinate delay in implementation of the Tribunal's order, cannot be accepted. As rightly pointed out by the learned counsel for the respondents, the need for ordering the concerned officers to be present in Court was because the learned proxy counsel was unable to give the relevant facts as and when the DPC was held.

5. In view of what has been stated above, we are satisfied that the respondents have not either contumaciously or deliberately disobeyed the Tribunal's order to further proceed in the Contempt Petition. In the circumstances, MA 2517/2001 is allowed. As we find there is no need to proceed

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further in the CP, CP 554/2001 is dismissed. Notices  
to the alleged contemnors are discharged. File to be  
consigned to the Record Room.

(Govindan S. Tampli)  
Member (A)

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

/vikas/