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**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.452/2012 in O.A.No.2324/2004

Wednesday, this the 3rd day of October 2012

Hon'ble Shri G George Paracken, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)

1. Song and Drama Division Employees
Association & others
Through its General Secretary
Shri Jagarnath Singh s/o late Uma Shankar Singh
r/o A-111, Raju Park, Khanpur
New Delhi
2. Shri Narayan Telang
s/o Shri Ram Chandra Telang
r/o 59 Madangir Village, New Delhi
3. Shri Prasanjit Mitra
s/o Shri Laxmi Narayan
r/o F-136, Laxmi Nagar, New Delhi

.. Applicants

(By Advocates: Shri Hiren Dasan, Shri D.K. Mishra and
Shri Sanjeev Sharma)

Versus

1. Mr. Uday Kumar Verma
The Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi
2. Mr. Pradeep Kumar Mishra
The Secretary
Deptt. Of Personnel & Training
North Block, New Delhi
3. Mr. Sumit Bose
The Secretary
Ministry of Finance
(Dept. of Expenditure)
North Block, New Delhi
4. Mr. L.R. Vishwanath
The Director
Song & Drama Division
(Ministry of I&B)
Soochna Bhawan
CGO Complex, Lodhi road
New Delhi

.. Respondents

(By Advocate: Shri B K Berera)

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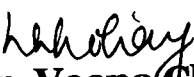
ORDER (ORAL)**Shri G George Paracken:**


This Contempt Petition is arising out of this Tribunal's order dated 07.07.2006 in OA no. 2324/2004- **Song and Drama Division Employees and Ors. v Secretary, Ministry of Information and Broadcasting and Ors.** In the said OA the Song and Drama Division Employees Association and others were seeking a direction to quash and set aside the order of the respondents dated 15.06.2005, whereby junior and senior Instrumentalists were merged into one cadre. They have also been seeking further direction to the respondents to create promotional avenues to them w.e.f. 01.01.1996. In support of the aforesaid reliefs sought by the applicants herein, they have relied upon an earlier order of this Tribunal in OA No. 669/2005-Uma Ghosh and Ors. v Union of India and Ors. decided on 10.03.2006 wherein a direction was given to the respondents to consider their cases for implementing the recommendations of the 5th Central Pay Commission (CPC for short) for creating promotional avenues to them. This Tribunal disposed of the aforesaid OA No.2324/2004 (supra) on 7.7.2006 with a direction to the respondents to re-consider the case of the applicants therein in the light of the recommendations of the 5th CPC with regard to promotional avenues to be granted to them and to implement them in their cases. Since the respondents did not comply with the aforesaid directions of this Tribunal within the stipulated time of two months, the applicants therein filed CP No. 154/2007 in the said OA before this Tribunal and the same was disposed of on 12.09.2007 observing that the respondents have been taking the appropriate steps for implementation of the aforesaid order. However, the respondents were directed to meticulously comply with their submissions

in the additional affidavit regarding filling up of the promotional quota. The respondents have challenged the aforesaid order dated 07.07.2006 before the Hon'ble High Court of Delhi in WP(C) No. 815/2008 and on its dismissal on 21.10.2008, they have filed an SLP No.1629/2009 before the Hon'ble Supreme Court which is still pending. However, the Apex Court vide its order dated 10.07.2009, stayed the contempt proceedings, if any, in the matter.

2. In the above facts and circumstances of the case, we do not consider that the respondents have committed any contumacious act in this case. Since the similar matter as aforesaid is pending before the Hon'ble Apex Court and in that case the Apex Court has stayed the operation of the order of this Tribunal, it would not be appropriate for us to pass any further order before the Apex Court disposes of the aforesaid case.

3. Accordingly, we close this Contempt Petition with the directions to respondents to pass appropriate orders with reference to this Tribunal's order dated 07.07.2006 passed in OA No. 2324/2004 after the SLP No.1629/2009 pending before the Hon'ble Supreme Court is disposed of. The applicants may also seek a revival of this Contempt Petition depending upon the decision of the Apex Court in the aforesaid SLP pending before it. Notices issued to the alleged contemnors are discharged. No costs.


(Dr. Veena Chhotray)
Member (A)


(G George Paracken)
Member (J)

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