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Central Administrative Tribunal  
Principal Bench, New Delhi.

CP 754/2012  
IN  
OA 1324/2004

New Delhi this the 17<sup>th</sup> day of July, 2012

**Hon'ble Mr. George Paracken, Member (J)**  
**Hon'ble Dr. Veena Chhotray, Member (A)**

Rudranath Sanyal,  
S/o Late Somnath Sanyal,  
R/o 11-B, Royale, Shipra Sun City,  
Indirapuram, Ghaziabad (UP)-201014.

Presently working as TV Assistant News  
Correspondent, Room No.513,  
Tower-B, Doordarshan Bhawan,  
Mandi House, Coopernicus Marg,  
New Delhi-01.

... Applicant.

(By Advocate Shri Kailash Vasdev, sr.counsel with Shri S.K.Das)

VERSUS

Shri Raghu Menon, Secretary,  
Ministry of Information & Broadcasting,  
Government of India, Shastri Bhawan,  
New Delhi. ... Respondent.

(By Advocate Shri D.S.Mahendru with Ms.Jayanthi, Director)

**ORDER (ORAL)**

**By Mr. George Paracken, Member (J):**

This Contempt Petition has been filed by the applicant alleging non-implementation of the Order of this Tribunal dated 28.04.2008 in OA No.1324/2004. Operative portion of the said order reads as under:

"3. In the light of above, applicant, who is a TV Assistant News Correspondent, seeks en-cadrement for grant of promotions, which is not permissible in law, as in policy decisions creation of posts is prerogative of the Government, yet keeping in light the dicta of the Apex Court (supra), respondents are directed to consider the claim of the applicant for creation of promotional avenues to remove any heart burning within the cadre. This shall be done, on a thorough consideration, by passing a speaking order within a period of three months from the date of receipt of a copy of this order."

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2. However, from the reply filed by the respondents, it is seen that they are taking positive steps in the matter and they have referred the matter to the UPSC as a requirement in cases of creation of posts. The UPSC is not a party in the Original Application and, therefore, no direction can be issued to them. Being a statutory authority, the Respondents have also no control over it. However, the learned counsel for the Respondents Shri D.S.Mahendru on instructions from Ms.Jayanthi, Director who is present in the Court has submitted that four months more time is required to comply with the direction of this Tribunal. She has also submitted that if the UPSC's concurrence is received within the aforesaid period, the matter will have to be referred to the Ministry of Finance for creation of these posts and to the Ministry of Law for drafting/framing/notifying of the Recruitment Rules.

3. In our considered view, the Respondents have not committed any contempt of court in this matter as alleged by the petitioner. Therefore, this Contempt Petition does not lie and is accordingly dropped and the notice issued to the alleged contemnor is discharged. However, we observe that though the Respondents are taking necessary steps in complying with the aforesaid directions of this Tribunal, they should periodically review the case to ensure full compliance of the order, at the earliest.

*hkhvhy*  
( Dr.Veena Chhotray)  
Member(A)

/kdr/

*G. George Paracken*  
( G. George Paracken)  
Member(J)