

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**C.P. (Civil) No. 260/0020/2021
(Arising out of OA No. 663 of 2012 disposed of on 19/03/2021)**

CORAM:

**THE HON'BLE MR. A.MUKHOPADHAYA, MEMBER(ADMN.)
THE HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)**

Smt. Smita Jena, aged about 48 years, W/o. Sri Prasant Kumar Parida, At-Charigaon Polosahi, Po. Indupur, PS/Dist. Kendrapara, presently working as Casual Technician Assistsant at LPT TV Centre, Baripada, Doordarshan Maintenance Centre (DDMC), At/Po-Baripada, Dist. Mayurbhanj under DDMC Balaosre, Odisha.

.....Applicant

Through Legal practitioner :Mr.D.P.Dhalasamanta

-Versus-

1. Sri Amit Khare, Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi-110 001.
2. Shri Mayank Kumar Agrawal, Director General, Doordarshan, Copernicus Marg, Mandi House, New Delhi-110 001.
3. Sri S.K.Arora, Chief Engineer (E.Z) – Cum- Additional Director General, All India Radio & Doordarshan, 4th floor, Akashbani Bhawan, Eden Garden, Kolkata-700 001.

..... Respondents

Through Legal practitioner : Mr. M. R. Mohanty

Date of hearing: 22.04.2021

Date of Order:25.06.2021

O R D E R

MR.SWARUP KUMAR MISHRA, MEMJBER (JUDL.)

Applicant, Smt. Smita Jena, W/o Sri Prasant Kumar Parida, alleging non implementation of the order of this Bench dated 17.01.2013 in OA No. 20 of 2013, order dated 15.12.2020 in MA No. 547 of 2020 (Arising out of OA No. 663 of 2017) and the order of the Hon'ble High Court of Orissa dated 18.3.2011 in W.P (C) No. 15862 of 2007 inter alia stating that after being found suitable in the interview conducted in response to advertisement dated 15.12.1993, the applicant was allowed to perform duties of technician on casual basis with effect from

29.04.1994 at LPT Paradeep. She filed OA No. 520/2006 praying for direction to appoint her in the post of technician on regular basis which was disposed of on 30.6.2006 with direction to treat the OA as representation and pass a reasoned order. Respondents considered and rejected her grievance vide order dated 30.10.2006. Applicant challenged the said order of rejection before this Bench in OA No. 229 of 2007 which was dismissed on 03.10.2007 on ground of jurisdiction. The Applicant challenged the said order of dismissal dated 03.10.2007 before the Hon'ble High Court of Orissa in W.P (C) No. 15863 of 2007 which was disposed of on 18.03.2011 with observation that as and when respondents will take steps for appointment to the post of technician on regular basis either by way of recruitment or by way of regularization the case of applicant shall be considered and over age if any shall be condoned. The Respondents passed order that the post of technician is to be filled up through SSC. Being aggrieved, the applicant filed OA No. 20/2013 before this Bench which was disposed of on 17.1.2013 with direction to the Respondents to consider the case of applicant against vacancies shown by the Prasar Bharati and strictly in accordance with the order of the Hon'ble High Court of Orissa. The applicant alleging non compliance of the aforesaid order filed CP No. 32/2013. On receipt of notice in the said CP the Respondents intimated to the applicant in letter dated 17.10.2013 that the case of applicant shall be considered in accordance with the order of the Hon'ble High Court of Orissa and decision will be communicated to her as and when recruitment process is complete. On the strength of the said letter CP No. 32 of 2013 was dropped on 19.5.2014. Again she filed OA No. 663 of 2017 praying for direction for regularization. This Tribunal vide order dated 30.11.2017 admitted the OA and as an ad interim measure directed to maintain status quo during the pendency of the OA. It has been alleged that she has filed MA No. 547 of 2020 praying for release of salary and this Bench vide order dated 15.12.2020 directed that in case wage/emoluments has not been paid the

same be paid to the applicant if there is no other legal impediments to do so. Hence she has prayed for initiation of proceedings under the contempt of court and rules for intentional and deliberate violation of the orders mentioned above.

2. Heard. Perused the records.
3. It is ascertained that after the disposal of OA No. 663 of 2017 on 19.3.2021. Relevant portion of the order is quoted herein below:

“7. The applicant has not applied to the post in question in question pursuance to subsequent advertisement dated 23rd February – 1st March 2013 and has not participated in selection process for filling up the post. Subsequently OA No. 20/2013 filed by the applicant has been disposed of on 17.01.2013 as per annexure A/10 with the following order “In view of the above, this OA is disposed of with direction to the Respondents to consider the case of the applicant against the vacancies shown in Annexure A/8, strictly in 5 OA 663/2017 accordance with the order/direction of the Hon’ble High Court of Orissa and communicate the decision to the applicant within a period of six months from the date of receipt of this order.” In pursuance to the said order passed by this Tribunal, the respondents have passed and communicated the speaking and reasoned order as seen from Annexure A/11 dated 17.10.2013 wherein it has been mentioned that “In view of above, it is to inform that the case of Smt. Smita Jena shall be considered by Prasar Bharati strictly in accordance with the order/direction of the Hon’ble High Court of Orissa and the decision shall be communicated to her as and when the recruitment process is complete”.

8. Subsequently CP No. 32/2013 has been dropped on 19.05.2014 taking into consideration the said speaking order and show cause dated 13.01.2014. The respondents have issued a letter dated 04.12.2013 to the applicant to intimate roll number, date of birth etc of SSC examination for onward transmission to Prasar Bharati Secretariat as well as to Directorate. The applicant had submitted in her reply mentioning therein that she has already challenged the SSC examination before CAT Cuttack Bench. Accordingly the case of the applicant was not considered as she was not an applicant in the SSC examination for direct recruitment to the post of technician.

9. In view of the facts and circumstances this Tribunal finds that there is no justification or necessity for giving any further direction in this case and specifically in view of direction given by Hon’ble High Court. The applicant is at liberty to approach appropriate forum in accordance with law.

Accordingly the OA is disposed of but in the circumstances without any cost.”

4. The applicant has failed to prove that any specific order passed by this Tribunal has been intentionally violated by any of the contemnors. We find that the stand taken by the applicant in the present CP became redundant after the final order dated 19.3.2021 in OA No. 663 of 2017 more so when it was brought to our notice that after the order, the Respondents intimated to the applicant vide letter dated 19th April, 2021 that her casual service stands discontinued with effect from 19th April, 2021 which order has been challenged by the applicant in separate OA No. No.260/200/2021 before this Bench in which vide order dated 22nd April, 2021 the respondents were allowed opportunity to file counter without allowing any interim order prayed for by the Applicant. Being aggrieved the applicant filed W.P (C) No. 15793 of 2021 and the relevant portion of the order of Hon’ble High Court of Orissa dated 03.05.2021 is extracted below:

“12. The Court, therefore, modifies the impugned interim order dated 22nd April, 2021 in OA No. 260/200/2021 of the CAT, Cuttack and directs that the status quo ante 19th April, 2021 should continue till such time, the CAT considers the aforementioned application for interim relief i.e. till 30th June, 2021 as directed in the impugned order or such further date when the CAT takes up OA 260/200/2021 next. It is clarified that this is without prejudice to the rights and contentions of the Opposite Parties and further that nothing said in this order will influence the further orders to be passé by the CAT.”

5. In view of the discussions made above, we find no merit in this CP which is accordingly dropped. No costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(A. MUKHOPADHAYA)
MEMBER (A)