

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 516 OF 2010

Tuesday, this the 15th day of June, 2010

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

T.H.Subramanyam
Staff Artist (Violin)
Instrumentalist 'A' Grade
All India Radio
Ramavarmaapuram P.O.
Thrissur, Kerala

... Applicant

(By Advocate M/s Dandapani Associates)

versus

1. Union of India represented by the Secretary
Ministry of Information & Broadcasting
New Delhi – 110 001
 2. The Director General
Prasar Bharati (Broadcasting Corporation of India)
Mandi House, Copernicus Marg
New Delhi – 110 001
 3. The Deputy Director of Administration
Prasar Bharati (Broadcasting Corporation of India)
Akasavani Bhavan, All India Radio
Parliament Street
New Delhi – 110 001
- ... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 15.06.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The question involved in this OA is that whether the applicant is entitled for ACP benefits as his juniors were allowed such benefits. The applicant submitted that he has entered in service on 25.05.1991 as Staff Artist in the discipline of Violin in the scale of pay of Rs. 1640-2900. Thereafter, he continued in the same branch and obtained the higher grade 'B'. However, with the introduction of Assured Career Progression Scheme, the upgradation was



given to his juniors including Shri C.S.Anuroop and Smt.Narmada, the applicant was not given that benefit. Although the applicant had represented the matter with the respondents, the representations have not been considered hitherto. Hence the applicant has approached this Tribunal.

2. We have heard Mrs.Sumathi Dandapani, counsel for the applicant and Mr.Sunil Jacob Jose, Counsel appearing for the respondents on receipt of a copy of the OA. We have also perused the documents as well as the averments contained in the OA. It is clear that the applicant was appointed in the branch of Artist in the subject of Violin (Instrumentalist). If his service is having the required length of service for allowing ACP benefits, it should be given to him. We have seen that his juniors on the same cadre and on the same subject have been given the benefits. If so, it is only proper for this Tribunal to direct the respondents, especially Respondent No.2 & 3 to consider Annexures A-4 and A-5 representations and pass appropriate orders thereon on the grounds urged in the OA and also the grounds set out in the above representations within a reasonable time, at any rate within 45 days from the date of receipt of a copy of this order. Applicant shall submit copy of the order and copy of the OA alongwith all documents to Respondent No.2 & 3 for compliance. Ordered accordingly.

3. OA is disposed of as above. No order as to costs.

Dated, the 15th June , 2010.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

vs

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition No. 98 of 2010 in
Original Application No. 516 of 2010

Friday, this the 4th day of March, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

T.H. Subramanyam, S/o. T.S. Harihara Iyer,
Aged 42 years, Staff Artist (Violin), Instrumentalist 'A' Grade,
All India Radio, Ramavarmapuram P.O., Thrissur 680 030,
Kerala, Residing at "Kailas, Villadam, Ramavarmapuram P.O.,
Thrissur 680 030.

..... **Petitioner**

**(By Advocate – Mr. Sumathi Dandapani, Sr. along with
Ms. Laxmi Rajan)**

V e r s u s

1. Mr. Noreenaqvi, (age & father's name not known to the petitioner), Director General, Prasar Bharathi (Broadcasting Corporation of India), Akasvani Bhavan, All India Radio, Parliament Street, New Delhi 110 001.
2. Mr. M.D. Sundariyal, (age & father's name not known to the petitioner), Deputy Director of Administration, Prasar Bharathi (Broadcasting Corporation of India), Akasvani Bhavan, All India Radio, Parliament Street, New Delhi 110 001.

..... **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This petition having been heard on 04.03.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

This Contempt Petition is filed alleging non-compliance of the order passed in OA No. 516 of 2010 on 15th June, 2010.

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2. A counter affidavit has been filed producing Annexure R-3 disposing of the case of the petitioner, wherein it is found that the petitioner is not entitled for the benefit. It is found vide Annexure P-1 order passed in the OA that the right as such of the petitioner was not challenged and the same was disposed of at the admission stage on the plea that since juniors were given the ACP benefits the respondents should consider the claim of the petitioner accordingly. It is observed in paragraph 2 of the order that "[I]f his service is having the required length of service for allowing ACP benefits, it should be given to him". Of course a rider is added pointing out that the juniors on the same cadre and on the same subject have been given the benefits.

3. After seeing the order now passed and produced along with the reply affidavit, it cannot be said that the respondents have committed any contempt of Court involving any contemptuous conduct on their part in not following the order of the Tribunal. True, the right of the petitioner may be still affected since they have denied the benefit but we cannot adjudicate such rights in this Contempt Petition.

4. Leaving open the right of the petitioner to challenge the order now passed by the respondents, produced along with the reply affidavit marked as Annexure R-3, we close this Contempt Petition.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

"SA"