

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

CCP No. 10/2009

In

O.A. NO. 282/2008

This the 26th day of March, 2012.

HON'BLE JUSTICE SHRI ALOK KUMAR SINGH, MEMBER(J)

HON'BLE SHRI S. P. SINGH, MEMBER (A)

Ashwini Kumar Srivastava, aged about 41 years, S/o s. P. Srivastava, R/o B-11, Radio Colony, Sector 8 Indira Nagar, Lucknow.

Applicant.

By Advocate Sri A. Moin.

Versus

1. Sushma Singh, Secretary , Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. B. S. Lalli Chief Executive Officer Prasar Bharti, (Broadcasting Corporation of India) PTI Building, Parliament Street, New Delhi.
3. Raghu Menon, Secretary, Ministry of Informa-tion and Broadcasting, Sastri Bhawan, New Delhi.
4. Sri Rajeev Takru, Chief Executive Officer Prasasr Bharti (Broadcasting Corporation of India PTI Building, Parliament Street, New Delhi.

Respondents.

By Advocate Sri K. K. Shukla.

(Reserved On 21. 3.2012)

ORDER

By Hon'ble Sri S. P. Singh, Member (A)

This is a contempt petition under Section 17 of the Administrative Tribunal Act. The contempt petition has been filed in O.A. 282/2008 Ashwini Kumar Srivastava Vs. Union of India. The O.A. 282/2008 was decided by this Tribunal on 28.8.2008.

2. The relevant portion of the order dated 28.8.2008 is reproduced below:

As per

“At this stage, learned counsel for the applicant submits that if a suitable direction is issued to the respondents for considering his claim for grant of higher pay scale by treating this O.A. as his representation, the purpose of O.A. would be served. In view of the above circumstances, the O.A. is disposed of with direction to the respondents No. 1 and 2 to consider the claim of the applicant to extend the benefit of order dated 25.2.99 for grant of higher scale than Rs. 4000-6000w.e.f. 1.1.96 with all consequential benefits by treating this O.A. as the representation of the applicant and pass reasoned order within a period of three months, from the date of receipt of supply of copy of this order. The applicant is also directed to supply copy of this O.A. to the respondents No. 1 along with a copy of this order. No costs.”

3. The compliance report was filed through M.P. No. 1461/2009 by the respondents. A reply to the compliance report was also filed by the applicant on 12.8.2009.

4. The Tribunal after going through the compliance report filed by Sri Surendra Kumar Garg, Under Secretary Ministry of Information and Broadcasting, dated 6.8.2010 and also the reply of the applicant dated 12.8.2009 found that the compliance report has not been filed by the appropriate authority and directed vide this Tribunal order dated 6.1.2011 that supplementary affidavit sworn by appropriate authority be filed within 6 weeks.

5. Meanwhile, M.P. No. 1019/2011 was filed by the applicant to allow the applicant to implead Sri Rajeev Takru, Chief Executive Officer, Prasar Bharti as respondent No. 4 and also to issue notice to him. It was so ordered.

6. It was further ordered by this Tribunal on 25.5.2011 that in the interest of justice, it was desirable to pass final order after

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considering report, if any, which may be filed on behalf of newly added respondent No. 4.

7. Sri Rajeev Takru, Chief Executive Officer, Prasar Bharti, New Delhi i.e. Respondent No. 4 has filed his compliance report on 13.1.2011. In his reply, the respondent No. 4 has clarified that in the relevant minutes of the meeting of Group of Ministers on Prasar Bharti held on 17.6.2010 similar demand of employees belonging to organizations of the National Federation of Akashvani and Doordarshan employees (NFADE) and the Akashvani and Doordarshan Administrative Staff Association (ADASA) were considered in the relevant Item No. 6. Here again, the CEO, Prasar Bharti submits that the applicant Sri Ashwini Kumar Srivastava, belongs to Union ADASA representing administrative cadre of employees and the demand of ADASA was considered in Agenda Item 6 by the group of Ministers. As such, it automatically covers the demand of the applicant in his individual capacity. He has also enclosed a copy of the Agenda Item 6- Demands of employee organizations of the National Federation of Akashwani and Doordarshan Employees (NFADE) and the Akashvani and Doordarshan Administrative Staff Association (ADASA) which is annexed as Annexure-I to the affidavit filed by respondent No. 4 on 31.10.2011.

8. A perusal of Agenda Item No.-6 filed by respondent No. 4 would reveal that the matter of demands of ADASA included in Para 6.3 was clearly placed for consideration before the Group of Ministers. Besides, a perusal of para -7 of the Agenda Item 6 would reveal that the demands of ADASA for grant of higher pay scale was proposed for consideration of Group of Ministers along with a detailed note on the agenda item. A copy of the detailed note regarding Agenda Item No. 6 submitted before Group of Ministers is placed at Annexure-II to the affidavit filed by respondent No. 2. A

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perusal of Annexure-I and II mentioned above would reveal that it was inter alia mentioned that "an employee belonging to the administrative cadre has filed a court case pleading parity of pay with the 11 categories of Programme and Engineering cadre, who has been granted up graded pay scales."

9. It is further pleaded by respondent No. 4 that a detailed representation was also made to the Group of Ministers explaining the agenda items including the demand of ADASA and NFADE. After due consideration, the Group of Ministers took the following decisions in its meeting dated 17.6.2010:

(a) A committee of four Joint Secretaries one each from Ministry of Finance, Ministry of Personnel, Ministry of I & B and Ministry of Law may be constituted to look into the specific issues relating to disparity in pay scales and other related issues for categories of Employees that are exclusive to the Ministry if I&B/Prasar Bharti arising out of upgrade pay scales granted to 11 categories of employees of Prasar Bharti as per the decision taken in 1999.

(b) The demands of Administrative categories of Employees belonging to ADASA i.e. Administrative categories like LDCs, UDCs and other Ministerial Cadres would not be considered as this would have wide ranging implications.

10. A perusal of the copy of the agenda item No. 6 (Annexure-1) and the detailed note regarding agenda item No. 6 (Annexure-II) would bring out that the Group of Ministers after duly considering the issue of pay parity demanded by ADASA representing the administrative staff, to which category the applicant belongs, did not agree to it, in view of the wide ranging implications. Therefore, the mention of the word 'not' in the minutes cannot thus be inferred to mean that the Group of Ministers did not deliberate on the issue.

11. In view of position as stated above, we are satisfied that satisfactory clarification has been given by the Chief Executive Officer, Prasara Bharti, New Delhi clarifying the compliance report filed by respondent No. 2 and 4 explaining the developments regarding consideration of the matter in question. We find that substantial compliance has been made.

12. The contempt proceedings against the respondents are therefore dropped and notices stand discharged.

S.P. Singh
26.3.12
(S. P. Singh)
Member (A)

Alok Kumar Singh
26.3.12
(Justice Alok Kumar Singh)
Member (J)

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