

CE 802 137/02  
(Case 173) of 6)

Thru 9/10  
against  
non-compliance  
Section 173  
O.A. 173/96  
of 1985.

9/10/02  
prescribed  
foras and  
paper back  
from 9/15  
free from 2/11.11.2002  
days.

Submissio M.P.S.  
before Hon'ble  
Court on  
25.10.02  
considered  
on Contempt

1/25.10.02 Since the matter pertains to D.B., list it on 11.11.2002 for hearing.

SRK/

*Shyama Dogra*  
(Shyama Dogra) /M(J)

Be listed for hearing on 15.11.2002.

*SP*  
( L. R. K. Prasad ) /M(A)

*SP*  
( B. N. Singh Neelam ) /VC

3/15.11.2002 Be listed for hearing on 10.12.2002.

*SP*  
26/10/02  
M.P.S.

*SP*  
( L. R. K. Prasad ) /M(A)

*SP*  
( B. N. Singh Neelam ) /VC

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10.12.02 Shri V. Ram..for applicant  
CM

Heard the learned counsel for the applicant.  
This CCPA has been filed for alleged non-compliance  
of the order dated 2.5.2002 passed in O.A.173/96.  
Issue notice to the respondents to file reply within  
six weeks. Requisites to be filed within a week.  
List it on 31.1.2003 for hearing.

*SP*  
(Shyama Dogra) M(J)

*SP*  
( L. R. K. Prasad ) M(A)

Requisites  
filed on  
16/11/2002  
with stamp  
of Rs 40/-  
each.  
DR  
16/11/2002

Notice issued  
on 27/11/02  
SP

5/ 31.1.2003. The 1st proxy counsel on behalf of the applicant has submitted that show cause has not been filed. List it on 27.2.2003 for hearing. The respondents are directed to ensure submission of the reply by the next date.

*S. Dogra*  
/CBS/ (S. DOGRA)/M(J)

*Jasbir Singh*  
(S. JHA)/M(A)

6/ 27.2.2003. For want of D.E., be listed on 25.4.2003 for hearing.

/CBS/

(B.N. Singh Neelam)/V.C.

7/ 25.4.03

SM

D.B. is not available. List it on 19.5.2003 for hearing.

*S. Dogra*  
(S. DOGRA) M/J

8/ 19.5.03 Due to sad demise of an advocate, the lawyers abstained from court work. Be listed on 3/6/03 from hearing.

CBS

*S. Dogra*

(S. DOGRA) M(J)

9/ 23.6.03. None for the parties. Be listed for hearing on 29.7.03.

*S. Dogra*  
(S. DOGRA) M(J)

*Jasbir Singh*  
(S. JHA) M(A)

Yours

10/ 29.7.03 Be listed on 14.10.03 for hearing.

*S. Dogra*  
(S. DOGRA) M(J)

*B.N. Singh Neelam*  
(B.N. Singh Neelam) V.C.

11/04.10.03 For want of D.B, be listed  
on 5.12.03 for hearing.

CBS

~~Shyamal  
(S. Dogra) M(J)~~

12/5.12.2003

As prayed for by the M. counsel for the  
applicant Shri V.N.Ram, let it be listed for  
hearing on 17.2.2004.

MPS.

( Bharat Bhushan )/M(J)

( M. Jha )/M(A)

~~short cause  
filed on  
13/11/04~~

13/17.02.2004 : Concerned lawyers are present.

At the request of L/c for the applicant,  
list this case on 26.05.2004 for hearing.

skj

( M.Jha )/M(A)

~~Shyamal  
(S. Dogra) M(J)~~

14/26.5.2004

None for the applicant  
proxy

Shri D. Choudhary, counsel for respondents  
counsel

For want of DB be listed on 13.9.04  
for hearing.

skj

( M. Jha )/M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

C.C.P.A. NO. 137/02

15/13.9.04

(I.O.A. 173 of 1996)

Probir Bhattacharya ..

Petitioner

By Advocate; Not present

-versus-

Sri Pawan Chopra, Secretary, Ministry  
of Information & Broadcasting & others.. Respondents

By Advocate; Shri Arvind Kumar

ORDER

Justice M.A. Khan, Vice-Chairman;

None for the petitioner. From the reply filed by the respondents, it appears that the respondents have rejected the case of the petitioner by a speaking order dated the 5th February, 2003, wherein it has been observed that the petitioner has not worked for 120 days and, as such, does not fulfil one of the qualifications for regularisation of his service. This Tribunal disposed of O.A. 173/96 on 2.5.2002 by passing following order:

"In view of the above analysis of the case, we are of the considered opinion that the prayer of the applicant for his absorption in Doordarshan along with consequential benefits is required to be considered in the light of order of this Tribunal passed in OA 445/92 and prescribed scheme of the department, as referred to above, for passing suitable speaking order by the concerned respondents in accordance with law. Accordingly, respondent no.2, Director General, Doordarshan, New Delhi is directed to consider the case of the applicant in that light and pass suitable reasoned order within a period of three months from the date of communication of this order. No order as to costs. The OA stands disposed of accordingly."

2. In O.A. 445/92 decided on 3.8.1993, this tribunal has given the following directions:

"After hearing the Learned counsel appearing for the applicants and the Union of India, we find and hold that the applicants are casual artists and fulfill the requisite qualifications for being considered for the purpose of regularisation of their service. We also find and hold that the Director, Doordarshan Kendra, Patna is not justified in withholding their claims and not forwarding their names to the Director General, Doordarshan, New Delhi for consideration in terms of Annexure A/5 and A/6 and two Office Memorandums quoted above. We, therefore, allow this application and direct the respondent, Director, Doordarshan Kendra, Patna to take immediate steps to send the names of these applicants to the Director General, Doordarshan in terms of the Office Memorandum (Annexure A/5 and A/6). This must be done within one month from the date of receipt of copy of this order by Director, Doordarshan Kendra, Patna. On the receipt of the recommendations of the Director, Doordarshan Kendra, Patna, the Director General, Doordarshan, New Delhi shall consider the case of these applicants in the light of the scheme framed by the Government and as approved by the Principal Bench in the case of Anil Kumar Mathur and others (supra) within three months from the receipt of the said recommendation.

There shall be no order as to costs."

3. The respondents were required to reconsider the matter in the light of the directions given in O.A. 445/92 and the prescribed scheme of the Department by a speaking order and in accordance with law. The Director-General, Doordarshan, New Delhi, has considered the matter afresh in compliance with the aforesaid directions given in two OAs and has passed a speaking order. He cannot be said to have disobeyed or contravened the orders of this tribunal.

The order has been complied with by him. He cannot be held to have committed civil or criminal contempt of this court.

4. The notices issued are accordingly, discharged. The CCPA is dismissed. No costs.

(Mantreshwar Jha)  
M.A.

Mohamed Akbar  
(M.A. Khan)  
Vice-Chairman