

(82/7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

C.P.No.18/96 in
O.A.No.751/93.

Date of Judgement : 18-4-1996.

Between

1. Akashvani Announcers
Association of A.P.,
Rep. by its Secretary
E.V.Kapardi S/o E.V.Satya-
narayana Murthy
2. Shri Syed Ilyas Ahmed
S/o Shri Syed Ahmed,
Announcer in A.I.R.,
Hyderabad.

.. Petitioners/Applicants

And

1. Shri Bhaskar Ghose,
Secretary,
Min. of Information &
Broadcasting,
Shastri Bhavan, G.O.I.,
New Delhi-110001.
2. Shri Shashi Kant Kapoor,
Director-General, A.I.R.,
Akashvani Bhavan,
Sansad Marg,
New Delhi-110001.

.. Respondents/Respondents

Counsel for the Petitioners/
Applicants

.. Shri J.Venugopala Rao

Counsel for the Respondents/
Respondents

.. Shri N.R.Devaraj, Sr. CGSC

1. Shri G.Jayalal, Director of Programmes (Per),
Akashvani, New Delhi, &
2. Shri V.V.Sastry, Station Director, A.I.R.,
Hyderabad.

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Present.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Judgement

(Oral Order as per Hon'ble Shri Justice M.G.Chaudhari,
Vice-Chairman).

The learned counsel for the applicants states that he does not press the contempt petition against Respondent No.1 i.e., Shri Bhaskar Ghose since he has retired as the Secretary of the Ministry of Information & Broadcasting. The petition is proceeded only against Respondent No.2 i.e., Shri Shashi Kant Kapoor, Director-General, A.I.R., New Delhi.

2. The learned counsel for the applicants further states that the Applicants Association in the O.A. represents the interests of Announcers in the Akashvani.

3. The grievance of the applicants in the instant petition is that the respondents have disobeyed the directions contained in the order in the O.A. (No.751/93) decided on 2.3.94 by this bench of the Tribunal. The relevant direction relating to the Announcers that can be culled out from the detailed operative order that was passed is to the following effect:-

As on the date of the judgement, 171 posts in the category of Programme Executives were available out of 342 posts of Programme Executives which were created as a one time measure and in connection of which Departmental Promotion Committee was held on 17.1.96⁹⁴ and which were earlier intended to be filled up. It was directed that 40 of the posts in the category of Programme Executives out of 171 posts allocable to non-performing artists as per Rule 4A(1)(f) have to be kept unfilled. These posts were to be kept unfilled so that these would be available and ~~will~~ be filled up on regular basis ~~only~~ after the revised recruitment rules for Announcers were framed by the respondents^{and}. The Announcers were provided^{therein the} opportunity of promotion to the posts of Programme Executives ~~and~~^{so that} ~~therefor~~ it should be possible to promote them against these posts.

4. It is now alleged that the respondents are not keeping the 40 posts unfilled in the sense that as many as 26 person have been appointed to these posts without payment of charge allowance and, therefore, the applicants apprehend that in the event of a provision being made in the recruitment

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rules when framed making them eligible for promotion to the post of Programme Executives they may be faced with the fait accompli that the posts are already filled up and are not available to them and thus they may be denied the benefit of promotion.

5. The above apprehension of the applicants stands allayed by the statement made by the respondent No.2 in his affidavit dated 16.4.96 tendered today by Shri N.R.Devaraj, learned CGSC appearing for respondent No.2 coupled with additional affidavit declared today by Shri G.Jayalal, Director of Programmes (Per), A.I.R. New Delhi who has been authorised by the respondent No.2 to submit additional affidavit, if necessary, on his behalf reiterating that statement which reads as follows:-

"It is most humbly submitted that 40 posts in the cadre of Programme Executives will be filled up on regular basis only after the revised recruitment rules for Announcers are finalised and duly notified. In other words, 40 vacancies are available and will be filled only with the permission of the Tribunal."

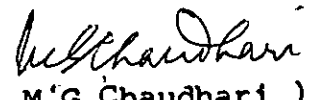
It is not disputed that these 40 posts are out of the 171 posts referred to above in para 3. Since the statement is coming from the highest quarter, there should be no reason for the applicants to entertain any apprehension on that count. Since the statement made is in consonance with the original order, we see no disobedience to the order^{so}/as to call for any proceedings in contempt to be initiated against the respondents. The affidavit of Shri Shashi Kant Kapoor dated 16.4.96 as well as the authorisation given by him in favour of Shri G.Jayalal are taken on record and shall be retained as part of the record in the contempt petition.

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These shall not be returned to the respondents. We permitted the learned counsel for the respondents to place on record an affidavit declared by Shri G.Jayalal reiterating the statement contained in the affidavit of Shri Shashi Kant Kapoor because the sentence "In other words, 40 vacancies are available and will be filled only with the permission of the Hon'ble Tribunal" which has been added in manuscript at the end of the statement in para 2 of the affidavit of Shri Shashi Kant Kapoor dated 16.4.96 does not bear the initials of Shri Shashi Kant Kapoor. We make it clear that we have accepted and acted upon the manuscript portion in para 2 of the affidavit of Shri Shashi Kant Kapoor dated 16.4.96 as forming part of the statement contained therein for the purpose of this order in the light of circumstances stated hereinabove.

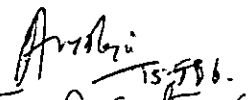
6. The contempt petition is disposed of in terms of the above order. No costs.


(H. Rajendra Prasad)
Member (A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: 18-4-1996.
Open Court dictation.

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Deputy Registrar (D)

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