

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: - _____/

Misc Petition No: _____/

Contempt Petition No: _____ 59 / 03 (Q.A. 12/02)

Review Application No: _____/

Name of the Appellant(s): A.K. Roy

Name of the Respondant(s): K.S. Sainma 218.

Advocate for the Appellant: - Mr J.L. Sankar & A. Chakrabarty,

Advocate for the Respondant: - Mr. A. Deb Roy, Sr. C.S.C.

Notes of the Registry	date	Order of the Tribunal
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This contempt petition has been filed u/s. 17 of the A.C. Act, 1985 praying for initiation of a contempt proceedings against the alleged contemner for non compliance of the court's judgment and order dated 20/12/02 passed in Q.A. No. 12/02.

Laid before Hon'ble Court for orders.

[Signature]
19.12.03
Sec. Officer (Jr)

22.12.2003	present: The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman. The Hon'ble Mr. K.V. Prahladan, Member (A).
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At the request of Mr. M. Chanda, learned counsel appearing on behalf of the applicant, the matter is adjourned to 24.12.2003.

[Signature]
Member

[Signature]
Vice-Chairman

bb

24.12.2003 Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan, Member (A)

Let a copy of the application be served upon the alleged contemnors by Speed Post with A/D within six weeks. The matter shall appear for hearing on 16.2.2004.

Pl. comply order dated 24.12.03
NS
26.12.03

Notice & order dt. 24/12/03, sent to D/Section for issuing contemnors by speed post with A/D.

mb

16.2.2004

List on 19.3.2004 for orders.

Cont. ride memo No. 51852 dated 12-1-03.

mb

19.3.2004

Heard Mr. A. Chakrabarty, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

One month time is given to the respondents to file reply. List on 21.4.2004 for orders.

Received copy of order dated 19/3/04.
22/3/04.
A.O.
A.R. Ghy.

mb

12.5.2004 Present : The Hon'ble Sri Mukesh Kumar Gupta, Member (J).

The Hon'ble Sri K.V. Prahladan, Member (A).

Reply is still awaited. It is stated by the Sr. C.G.S.C. that department is in process to comply with the direction issued by this Tribunal dated 20.12.2002 and prays for time for filing reply. List on 13.7.2004.

No. reply has been filed.

22/11/04

5804
No. reply has been filed

K.V. Prahladan
Member (A)

Member (J)

6.8.2004 On the plea of counsel for the respondents, list on 25.8.2004 for orders.


Member (A)

mb

25.8.04. Present: Hon'ble Mr.D.C.Verma
Vice-Chairman.

Heard learned counsel for the parties.


This Contempt Petition has been filed by the applicant praying for initiation of a Contempt proceedings against the alleged contemnors for non compliance of the order dated 20.12.02 passed by this Tribunal in O.A. No.12 of 02. Mr.A.Deb Roy, Sr. C.G.S.C. prays for time to file reply. and he submitted that as per communication letter dated 16.7.04 No.14(6)/2003-S(Court Case) A.K.Roy received by him that the Department has preferred to file an Special Leave Petition Vice Diary No.14887 dated 15.7.2004 in Hon'ble Supreme Court against the judgment and order dated 27.4.04 passed by the Hon'ble Gauhati High Court in W.P.(C) No.2882/2004. Accordingly, he has ~~requested~~ prays for time to inform the Hon'ble C.A.T., Guwahati Bench about this development by filing a reply affidavit. Prayer is allowed. List on 6.10.04 for orders.


Member


Vice-Chairman

lm

28.9.04

Reply has been filed by an affidavit on 28.9.04 without date and signature of Advocate. 

4.11.04

Reply has been
Bited



5.11.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan, Member (A).

None for the parties. Stand over to 3.12.2004.

2-12-04

Reply has been
Bited.

mb

3.12.04

[Signature]
Member (A)

[Signature]
Vice-Chairman

Present: Hon'ble Mr. Justice R.K. Batta
Vice-Chairman
Hon'ble Mr. K.V. Prahladan, Administrative Member.

Heard Mr. J.L. Sarkar, learned counsel appearing on behalf of the applicant Mr. A. Deb Roy, Sr. C.G.S.C. for the Respondents. The learned counsel for the applicant states that the Respondents are blow hot and cold in as much as on 12.5.2004 the statement was made by Sr. C.G.S.C. that the Judgment is in process to comply with the directions issued by the Tribunal dated 20.12.2002 and after making this statement ^{they have} filed Special Leave Petition before the Hon'ble Supreme Court against the Judgment of the High Court, and the Judgment of the High Court has been stayed. In view of the stay granted by the Hon'ble Supreme Court we do not find at this stage ~~deem~~ ^{it} is necessary to continue with Contempt proceedings which has been initiated for non-compliance of the order of this Tribunal dated 20.12.02. The Contempt proceedings are therefore, closed. The applicant may seek ~~revival~~ ^{revive} revival of the proceedings if subsequently ^{he} ~~there~~ justification to revive the proceedings. Accordingly, C.P. is closed with aforesaid observations.

Received
on behalf
of dipthi
- *[Signature]*
13/12/04

13.12.04

Copy of the order
has been sent to
the Office for
drawing the same
to the L/Advocate
on the parties.

lm

[Signature]
Member

[Signature]
Vice-Chairman

1912 DEC 20 3
THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

C.P. No. 59 /2003

Sri Anup Kr Roy

- Vs. -

Sri K.S.Sharma & ors.

I N D E X

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4.	'A'	Judgment dated 12.12.2002	8 - 15
5.	'B'	Letter dated 31.01.2003	16
6.	'C'	Order dated 30.7.2003	17
7.	'D'	Letters dated 9.10.03 and 15.11.2003	18 - 19

Filed by

Chakraborty
(A. Chakraborty) 20/12/2003
Advocate

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

Contempt Petition No. /2002

In

O.A. NO. 12/2002

In The Matter Of:

Sri Anup Kr. Roy,

_____Applicant

- Vs. -

Union Of India & Ors.

_____Respondents

--- AND ---

In the matter of :

An application under section
17 of the Administrative
Tribunals Act, 1985 praying
for initiation of a contempt
proceeding against the alleged
contemners for non-compliance
of the common Judgment and
Order dated 20.12.2002 passed
in O.A. No. 12/2002.

--- AND ---

In the matter of:

Sri Anup Kr. Roy,

Bilpar, Silchar,

Cachar, Assam- 788 001.

_____Petitioner

Filed by the Petitioner
through Anupam Chakraborty
Advocate
20/12/2002

----- Versus -----

1. Mr. K.S.Sharma,
The Director General & the
Chief Executive Officer,
Shastri Bhawan,
Parliament Street,
New Delhi - 1.

2. Mr. P.F. Paul,
Station Incharge,
All India Radio, Kailashar,
North Tripura-799279

____ Respondents

The humble petition of the
above named petitioner :

MOST RESPECTFULLY SHEWETH:

1. That, your petitioner for re-fixation of his pay as well as pension benefits and payment of arrears moved this Hon'ble Tribunal through O.A. No.12/2002. The Hon'ble Tribunal, after hearing the parties, was pleased to allow partly the said OA No.12/2002 with directions to the respondents for refixation of the pay notionally and pay the pension of the petitioner in terms of circular dated 25.2.1999.

A copy of the Judgment and Order dated 20.12.2002 is enclosed as Annexure- A.

2. That your petitioner most humbly begs to state that he obtained certified copy of the Judgment and Order dated 20.12.2002 in OA.No.12/2002 on 31.12.20002. Thereafter, he submitted a copy of the same to the respondents for considering his case by letter dated 31.01.2003 which was received and acknowledged by the respondents.

A copy of the Letter dated 31.01.2003 is enclosed as Annexure - B.

3. That the petitioner begs to state that the respondents have received the copy of the said Judgement and Order dated 20.12.2002 but nothing has been done in this regard. The respondents moved this Hon'ble Tribunal for review of the said Order dated 20.12.2002 which was registered as Review Application No.2/2003. The Hon'ble Tribunal has been pleased, after hearing the parties, to dismiss the said R.A. NO.2/2003 by an order dated 30.7.2003. The respondents thereafter also not acted upon the Order dated 20.12.2002 and have failed to implement the said order. Due to inaction of the respondents your petitioner by letters dated 09.10.2003 and 15.11.2003 to the respondents prayed to implement the Judgement and Order dated 20.12.2002. But the respondents has not given any response to the petitioner up till date.

Copy of the Order dated 30.7.2003 in R.A. No.2/2003 is enclosed as Annexure-C.

A copy of the letters dated 09.10.2003

and 15.11.2003 are enclosed as
Annexure-D.

4. That your petitioner humbly submits that a period of about one year has passed away from the date of submission of Judgement of this Hon'ble Tribunal dated 20.12.2002 alongwith petitioner's letter dated 31.01.2003 but the respondents did not take any initiative to implement the judgment of Hon'ble Tribunal.

5. That your petitioner begs to state that the respondents deliberately and willfully did not take any initiative to implement the Judgment and Order of this of Hon'ble Tribunal.

6. That in the facts and circumstances stated above, it is a fit case for the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for deliberate and willful disregard to the Judgment and Order of the Hon'ble Tribunal dated 20.12.2002 passed in OA.No.12/2002.

7. That this petition is made bonafide and for the cause of justice.

Under the facts and circumstances stated above, the Hon'ble tribunal be pleased to issue notice to the respondents and after hearing the parties be pleased to initiate contempt proceeding against the respondents for

willful negligence of the Judgment and
Order dated 12.12.2002 passed in O.A.
No. 12/2002 and further be pleased to
impose punishment in accordance with
law.

And for this act of kindness your petitioner
as in duty bound shall ever pray.

A F F I D A V I T

I, Anup Kr. Roy, son of Late Hrishekesh Roy, resident of Bilpar, Schar, Dist. Cachar, Assam-788011 do hereby solemnly declares as follows :

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case.

2. That the statements made in para 1 to 7 are true to my knowledge and belief and that I have not suppressed any material fact.

3. That this affidavit is made for the purpose of filing the contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati.

And I, sign this affidavit on this 10th day of December, 2003 at Guwahati.

Identified by

(Advocate)

Anup Kumar Roy
Deponent

Solemnly affirms and declares before me who is identified by A. Chakrabarty, Advocate on this 10th Day of December, 2003

Suryit Choudhury
Advocate

DRAFT CHARGE

Laid down before the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for willful disregard to the common judgment and order of the Hon'ble tribunal dated 20.12.2002 passed in OA. No. 12/2002. The respondents have willfully and deliberately violated the order of the Hon'ble Tribunal dated 20.12.2002 and therefore are liable for contempt of court proceedings and punishment in accordance with law.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 12 of 2002. / 3570 M-21-12.02

Date of Order : This the 20th Dec 002

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Anup Kr. Roy,
Son of Late Hrishikesh Saha,
Resident of Bilpar, Silchar,
Cachar, Assam-788001.

....Applicant

By Advocate Sri J.L.Sarkar.

- Versus -

1. Union of India,
through the Secretary to the
Govt. of India, Ministry of Information
& Broadcasting, Shastri Bhawan,
New Delhi-110001.

2. The Director General,
All India Radio,
Directorate General, Parliament Street,
Shastri Bhawan, New Delhi-1.

3. Chief Executive Officer,
Prasar Bharati, Akashwani Bhawan,
Parliament Street, New Delhi-1.

4. Station Director, All India Radio,
Kailashahar, North Tripura-799279.

..Respondents

By Sri A.Deb Roy, Sr.C.G.S.C.

ORDERCHOWDHURY J.(V.C)

The following are reliefs sought for by the
applicant in this Original Application.

i) The applicant be granted pay in the scale of
Rs.550-900/- w.e.f. 1.1.1978 and Rs.2000-3200/- w.e.f. 1.1.86
as Transmission Executive and after fixation of pay arrears
be paid for differences on pay and allowances.

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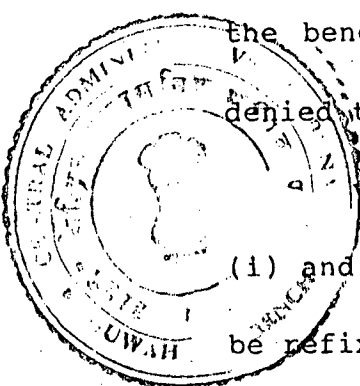
Advocate
Sri J.L.Sarkar
Advocate

ii) The applicant be granted pay in the scale of Rs.7500-12000/- w.e.f. 1.1.1996 as Programme Executive and after fixation of pay arrears be paid for differences in pay and allowances.

iii) The portion of the circular dated 25.2.1999 (Annexure-E) in para 2(i) viz. "The upgraded scales will be allowed not as Govt. employees per se but as Govt. Employees currently in service of Prasar Bharati (Broadcasting Corporation of India)", be set aside and quashed.

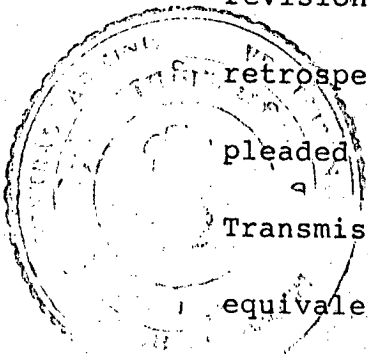
iv) The condition of option under the circular dated 25-2-99 has no application in the case of the applicant and the benefits w.e.f. 1.1.96 under the circular can not be denied to the applicant.

v) As a result of re-fixation of pay as in prayer (i) and (ii) above the pension and other retiring benefits be re-fixed and differences paid with arrears.



2. The applicant was working as Transmission Executive in the scale of Rs.425-700/-. He was later on promoted as Programme Executive (Group-B) with effect from 28.3.91 in the scale of pay of Rs.2000-3500/- (revised to Rs.6500-10500/-). The salary of the Transmission Executive, a feeder post to that of Programme Executive was Rs.425-750/-. The Engineering Assistants was also getting the same pay. The fourth Pay Commission treated both Transmission Executive and Engineering Assistants at par and recommended the pay for Transmission Executive and Engineering Assistants for Rs.1400-2600/-. The said

recommendation implemented with effect from 1.1.86. The Madras Bench of Central Administrative Tribunal in O.A.654/89 by its order dated 29.6.90 among others directed that pay scale of the Engineering Assistants was to be revised to Rs.550-900/- with effect from 1.1.78 and to Rs.2000-3200/- with effect from 1.1.86. Being aggrieved the Union of India preferred an SLP before the Supreme Court and by its judgment and order dated 25.11.94 the Supreme Court dismissed the SLP with a direction that in the event of the Fifth Pay Commission finding that the posts of Transmission Executive held by the applicants are equivalent to the post of Engineering Assistant the Central Government might consider for giving the benefit of revision of pay scale to those petitioners with retrospective effect as claimed by them. It was also pleaded that Fifth Pay Commission found that the Transmission Executive and Engineering Assistants were equivalent and recommended the same pay scale of pay namely, Rs. 5000-8000/- and similarly the promotional scale of Assistant Engineers and Programme Executives respectively was recommended the scale of Rs.6500-10500/-. It was also pleaded in the application that the request of the applicant for voluntary retirement was accepted by the competent authority with effect from 31.7.1997. At the time of his retirement he was working as Programme Executive at Kailashahar AIR and his basic pay was Rs.7300/- (scale of Rs.6500-10500/-). The applicant submitted representation



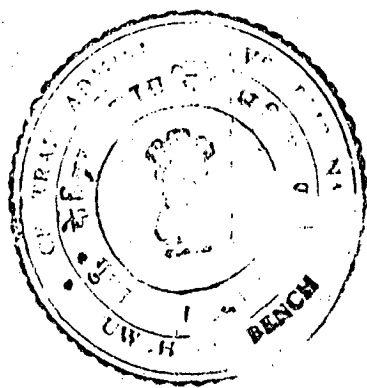
before the respondent No.2 for refixation of his pay as well as pension benefit in view of the revision of pay. The representation of the applicant was forwarded by the Station Director to the respondent No.2. In the application the applicant also referred and assailed the validity of communication No.310/173/97-B(D) dated 25.2.99 issued by the Government of India relating to upgradation of pay scales of certain employees working in Prasar Bharati. The communication indicated that the grant of revised pay scale of the categories of employees of All India Radio and Doordarshan of Prasar Bharati (Broadcasting Corporation of India) as indicated in Annexure-I of the communication. the grant of revised pay scale was however made subject to the following conditions :

"(i) The upgraded scales will be allowed not as Govt. employees per se but as Government employees currently in service of Prasar Bharati (Broadcasting Corporation of India). As and when the employees, presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do not opt for Prasar Bharati will revert as Government servants and will not longer be entitled to above scales. They will also have to refund all benefits availed of by them as a result of the grant of higher scales of pay. They will be liable to recovery of all such benefits. An undertaking, in the proforma given at Annexure-II to this effect has to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail these upgraded scales on this condition only.

(ii) Upgraded pay scales would be effective from 1.1.1996 but payment of salary to employees as per upgraded scales of pay will be made with effect from 1st March, 1999.

(iii) The employees concerned will be entitled to arrears with effect from 1st January, 1996 and these arrears will be paid in instalments. The first instalment of arrears pertaining to the period from November, 1997 till February, 1999 will be paid by April, 1999. The second instalment pertaining to reminder of the arrears (i.e. arrears from 1.1.1996 to October, 1997) will be paid by April, 2000. The payment of arrears shall be made after adjustment of the amount already paid to the categories of Technicians, Senior Technicians, Engineering Assistants and Senior Engineering Assistants on the basis of this Ministry's Office Memorandum No.310/173/97-B(D) dated 5.12.1997.

(iv) In addition the pay of those employees of All India Radio and Doordarshan who had been working as Transmission Executive as on 1.1.1978 or afterwards would be notionally fixed in the pay scale of Rs.550-900/- with effect from 1.1.1978 and in the pay scale of Rs.2000-3200/- with effect from 1.1.1986 before fixing their pay in the upgraded pay scale as on 1.1.1996. But as per their agreement with the Government, this will not entitle them to any payment of arrears for the period prior to 1.1.1996 and will be limited to fixation of their current pay as on 1.1.1996."



Failing to get redressal of his grievances the present O.A was preferred assailing some of the conditions prescribed in the impugned memo dated 25.2.99 as arbitrary and discriminatory.

3. The respondents contested the claim and submitted its written statement. In the written statement the respondents pleaded that as a result of discussion with

contd..6

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various Associations representing the staff the Ministry issued the impugned memo dated 25.2.99 upgrading the scale of pay of certain categories of staff of AIR and Doordarshan (Broadcasting Corporation of India) and not of the Ministry of Information and Broadcasting, Government of India. These scales had been made applicable to the employees of Prasar Bharati and not to the employees of Government of India, subject to the condition that the former exercised options for service in Prasar Bharati. In the written statement the respondents also stated that the competent authority decided to pay to all the Transmission Executives who had been working in the erstwhile All India Radio and Doordarshan as on 1.1.78 or afterwards would be placed notionally in the scale of pay of Rs.550-900/- with effect from 1.1.78 and in the scale of pay of Rs.2000-3200/- with effect from 1.1.86 without payment of any arrears prior to 1.1.96. The respondents also pleaded that the issue raised in this application was subject matter of O.A.2579/99 and the Central Administrative Tribunal, Principal Bench, New Delhi by its order dated 21/23.3.01 dismissed the O.A. According to respondents the application is therefore liable to be dismissed.

4. In the rejoinder the applicant stated that against the judgment and order of the Principal Bench passed in O.A.2579/99 the aggrieved parties preferred a Writ Petition before the Delhi High Court impugning the order of the

contd..7

Tribunal of the Principal Bench dated 21/23.3.2001 and the said Writ Petition was numbered as C.W.P.829/2002.

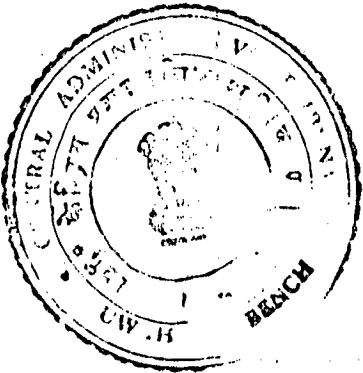
5. We have heard Mr J.L.Sarkar, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length. We have also perused the judgment and order passed by the principal Bench of the Tribunal in which those applicants sought for quashing the order dated 25.2.99 refusing to provide the benefit of the revised pay scale of Rs.7500-12000/- and also that of Rs.2075-3750/- for the period from February 1992 to 31.1.1995 and also assailed the conditions mentioned in notification confining the benefit of the revised pay only to those who were in service as arbitrary, unjust and improper. The Tribunal in other words upheld the legitimacy of the communication dated 25.2.99. The judgment of the Principal Bench being a judgment of a co-ordinate Bench is clearly binding on this Tribunal and in that view of the matter we are not inclined to intervene in the matter as in the event the judgment of the Tribunal is set aside or modified by the higher Courts, the case of the applicant would also be regulated by the judgment of superior Court. We however, found that the applicant who was in service till 1997 he ^{was} is entitled for the benefit mentioned in clause (iv) of para 2 of the communication dated 25.2.99. The respondents are accordingly directed to act in terms of clause (iv) of para 2 and fix the pay of the applicant notionally for the

contd..8

period mentioned in clause (iii) of para 2. The respondents also however, is not required to pay the arrears for the period. This direction is issued only for refixation of the pay notionally and pay his pension in terms of the clause.

Subject to the observation made above the application is partly allowed. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN
Sd/ MEMBER (Adm)



TRUE COPY

Section officer (Judicial)
Central Administrative Tribunal
Gurgaon (Haryana), Gurgaon

To,

The Chief Executive Officer / Director General
Prasar Bharati
New Delhi

Dated: -

31st Jan 2003

Subject :- Implementation of CAT Guwahati Bench Order No. 12 of 2002 dated 20/12/2002 and fixation of pay as per order.

Respected Sir,

With reference to above mentioned subject, I like to state that I took my voluntary retirement as a Programme Executive from AIR, Kailashahar on 31/07/1997 and accordingly my pension (PPO No. 284389800103) were settled from your end in the year 1998.

Later vide their order no 310/173/97-B(D) dt.25.2.99, Ministry of Information and Broadcasting, Govt. of India have upgraded scale of Programme Executive & Transmission Executive (working as on 01-01-78 or afterwards) w.e.f. 01-01-1996.

On the light of above statement, I gave a representation for re-fixing of my Pay as well as Pension Benefits. Subsequently, I went to Guwahati Bench of CAT for getting the same benefit and the Guwahati CAT has favoured my prayer vide their order as mentioned in the above subject (Copy of the Order is enclosed).

Now Sir, very recently I have been detected major blockage in both of my Arteries and for which Doctor suggested me for immediate surgical treatment (Report of my Cardiac Cat Heterisation is enclosed)

Therefore I fervently request your goodself to implement the judgment as mentioned above and re-fix my Pay and Pension benefit as early as possible. I hope you will consider my case on humanitarian ground and do the needful at the earliest.

Thanking you,

Yours faithfully,

Anup Kumar Roy

(Anup Kumar Roy)
Retd. Programme Executive
Bilpar, Lochan Bairagi Road
P.O. Silchar-1
Dist Cachar, Assam.
Pin- 788001.

*Received
PPS to DS
31-1-03*

Encls :-

1. Copy of the Guwahati CAT order dt.20.12.02
2. Copy of the Cardiac Cat Heterisation Report.

*Attested
for the body
Advocate*

27

CENTRAL ADMINISTRATIVE TRIBUNAL
GUMMATTI BENCH

ORDER SHEET

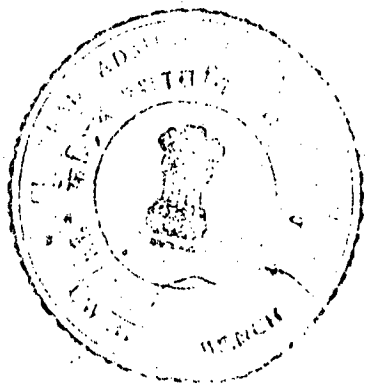
Original Application No. _____
Misc. Petition No. 51/02
Contempt Petition No. _____
Review Application No. 2/03 (12/02)
Applicant (s) N. D. J. Jais
- Vs. -
Respondent (s) A. K. Roy
Advocate for the applicant (s) Mr. A. Deb Roy
Advocate for the respondent (s) Mr. J. L. Sarkar

30.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. N.D. Dey, Administrative Member.

Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Review Applicant and also Mr. J.L Sarkar, learned counsel for the opposite party.

This is an application under section 22 (3) (f) of the Administrative Tribunals Act, 1985 for review of the judgment and order dated 20.12.2002 passed in O.A. No. 12/2002. In this application the applicant basically has assailed the legality of the order and contended that the judgment and order passed on 20.12.2002 by this Tribunal is erroneous. The power of review is not meant for a re-hearing. The review of a judgment and order is permissible under section 22 (3) (f) of the Administrative Tribunals Act, 1985 in terms of section 114 of the Civil Procedure Code read with order XLVII Rule 1 of the said code. The Tribunal can review its order from discovery of new and important matter or evidence which after exercise of due diligence was not within one's knowledge or could not be produced when the order was passed or on account of mistake or error apparent on the face of the record, or any other sufficient grounds. Sufficient ground is to the situations mentioned above. The power of review is not meant to be exercised to correct erroneous decision. Any attempt to correct a judgment and order except on the grounds mentioned above would amount to an abuse of the power. No grounds are made out by the applicant for us to exercise the review jurisdiction as contemplated in section 22 (3) (f) of the Act.

In the circumstances, the Review Application is liable to be dismissed and thus dismissed.



TRUE COPY
24/9/03

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

*Attended
Bankim Bose
Advocate*

Regd. with A/D

To,

Date:- 09/10/2003

*The Secretary
Govt. of India
Min. of Information & Broadcasting
New Delhi - 110001*

*The Chief Executive Officer
Programs Directorate
New Delhi - 110001*

*The Director General
All India Radio
New Delhi - 110001*

*The Station Director
All India Radio
Kailashahar
North Tripura - 755279*

Subject :- Implementation of CAT (Guwahati Bench) order on petition no.12 of 2002 dated 20.12.2002 and fixation of pay, pension etc. as per order.

Ref :- My earlier representation dated 31.01.03 (copy enclosed) on the above mentioned subject.

Sir,

With reference to the above mentioned subject as well as my earlier representation (copy enclosed) under reference, I like to state that I joined in A.I.R. Silchar (Assam) on April 1977 as Transmission Executive and took my retirement as a Programme Executive from A.I.R. Kailashahar (Tripura) on 31.07.97 and accordingly my pension (PPC NO. 284339800103) were settled from your end in the year 1998.

Later, on the order of honorable Supreme Court dated 14.03.96 on SLP NO. 4553/96 and Ministry of Information and Broadcasting, Govt. of India order no. 3103/173/97 - B(i) Dated. 25.02.99 (on up gradation of scale of Programme Executive and Transmission Executive working as on 01.01.1978 or afterwards) I pray to Guwahati Bench of CAT for getting the benefits of refixing my pay as well as pension benefits accordingly. The honourable Guwahati Bench of CAT had favoured my prayer vide their order dated 20.12.2002 as mentioned in the above subjects and subsequently I request you to implement the same vide my representation dated:- 31.01.03 (copy enclosed)

In the mean time, on March 2003 your authority applied for review of the above mentioned judgement and order dated 20.12.02 vide review application No. 2/03 of CAT (Guwahati Bench). The honourable CAT (Guwahati Bench) has dismissed the same review petition vide their order dated 30.07.03 (copy enclosed) and thereby upheld the judgement and order dated :- 20.12.02 passed on OA No.12/02.

On the light of the above as well as being an acute Cardiac Artery Disease (CAD) patient as mentioned in my earlier representation, I fervently request your good self again to implement the judgement and order mentioned above and refix my pay and pension benefits accordingly at the earliest.

I hope you will even consider my case on humanitarian grounds and act immediately for the cause so as to enable me to cope up with my existing financial difficulties.

Thanking you,

Yours faithfully,

Anup Kumar Roy

(Anup Kumar Roy)
Retd. Programme Executive
Bilpar, Lochan Bairagi Road
P.O. Silchar-I
Dist. Cachar, Assam.
Pin- 788001.

Encls :-

1. Copy of representation dated :- 31.01.03
2. Copy of honourable CAT (Guwahati Bench) order dated :- 30.07.03 on your review application.

*Defected
Kailashahar
North Tripura*

REGISTERED WITH A/D

Date : 15/11/2003

To

The Secretary,
Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.

Sub : Implementation of CAT (Guwahati Bench) order on petition no. 12 of 2002 dated 20.12.2002 and fixation of pay, pension, etc. as per order

Ref : My earlier representation dated 31.01.03 and 9.10.2003 (copy enclosed) on the above mentioned subject.

Sir,

With reference to my above mentioned representation on the subject as mentioned above, I would like to request your good self once again to act immediately for the implementation of order and judgement by the Hon'ble CAT (Guwahati Bench) as mentioned above and expedite the re-fixation of my pay and pension etc. so as to enable me to cope up with existing financial hardship as an acute Cardiac patient.

Thanking you.

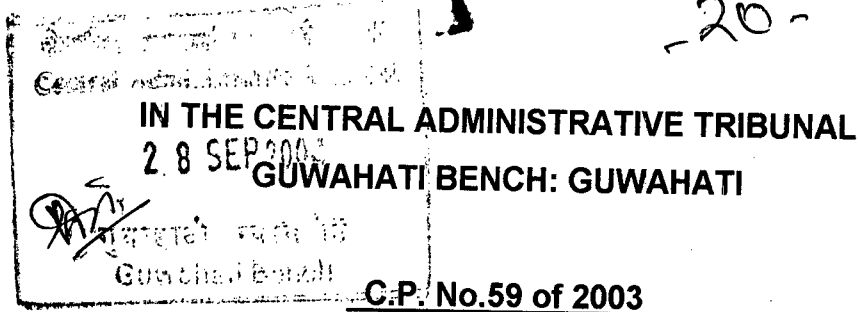
Yours faithfully

Anup Kr. Roy.

(Anup Kr. Roy)
Retd. Programme Executive
Bilpar, Lochan Bairagi Road
P.O. Silchar
Dist. Cachar, Assam
Pin - 788001

Encl : Copy of representation dated 9.10.2003

*Attested
Signature of
Advocate*



IN O.A. No.12 of 2002

Shri A.K Roy

-- Vs --

Union of India & Others.

-- AND --

In the matter of :

Shri A.K Roy

..... Petitioner

-- Vs --

Sh K.S.Sarma

..... Respondent No.1

I, K.S.Sarma, Chief Executive Officer, Prasar Bharati alleged
contester No.1 do hereby solemnly affirm and state as follows:

1. That I have gone through the copy of the C.P. No.59/2003 and
understood the contents thereof.
2. That I have the highest reverence and regard for the Hon'ble Tribunal
and its orders. It, however be held on consideration of the facts and
circumstances of the case that there had been any lapse on my part
then I hereby tender unqualified apology and sincere regret for the
same. I cannot even think of doing any act or omit to do any act, which
may be construed or treated as an act or omission amounting to
contempt of court or disobedience or violation of any order of the

- 21 - 28

Hon'ble Tribunal. I hold Hon'ble Tribunal in highest and utmost respect and regard.

3. That against the order of the Hon'ble Tribunal the respondents approached the Hon'ble Gauhati High Court and filed W.P.(C) No. 2882/2004, but the said appeal petition was dismissed by the Hon'ble High Court.
4. That the respondents preferred to file an SLP vide No.16248/2004 in the Hon'ble Supreme Court against the judgement and order dated 27.04.2004 passed by the Hon'ble Gauhati High Court in WP (C) No.2882/2004 and the Hon'ble Supreme Court has directed interim stay in the matter vide order dated 23.08.2004.

Copy of the Hon'ble Apex Court Order dated
23.08.2004 annexed hereto and marked as
ANNRXURE-A

5. That since the SLP is pending in the Hon'ble Supreme Court and interim stay has been directed, the petitioner cannot press for the implementation of the impugned order dated 20.12.2002 passed by the Hon'ble Tribunal at this stage.

Prayer.....

Page 2 of 3

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2X

PRAYER

In view of the submission made herein above I respectfully pray that the present contempt proceeding is liable to be dismissed by discharging the notice issued to the respondents.

The statements made in paras. 1, 2, 3, 5 are true to my knowledge and belief and those made in para 4 being matter of records are true to my information derived therefrom and the rest are my humble submission before the Hon'ble Tribunal.

And I sign this affidavit on this day of 2004.

b i u
DEPONENT

Identified by: -

Solemnly affirmed and declared before me by the deponent who is identified by Shri Arunesh Deb Roy, Advocate on this day of 2004.

Advocate.

ITEM No.40

Court No.10

-23-
4
ANNEXURE - A

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.16248/2004

(From the judgement and order dated 27/04/2004 in WP 2882/04
of The HIGH COURT OF GAUHATI)

UNION OF INDIA

Petitioner (s)

VERSUS

ANUP KR.ROY

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment and
with prayer for interim relief)

Date : 23/08/2004 This Petition was called on for hearing today.

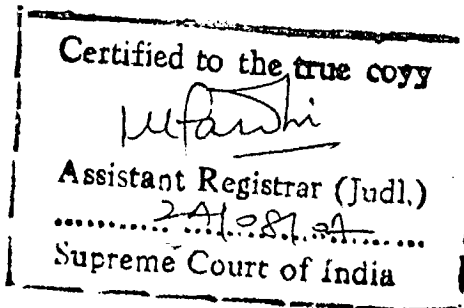
796203

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner (s) Mr. Vijay M.Chauhan, Adv.
Mr. Pawan, Adv.
Mr. Rajeev Sharma, Adv.

For Respondent (s)



UPON hearing counsel the Court made the following
O R D E R

Issue notice. There shall be interim stay.

Sareen
23/8/04
(Shashi Sareen)
Court Master

Aggarwal
23/8/04
(Vijay Aggarwal)
Court Master

23/8