

**Central Administrative Tribunal
Principal Bench**

**CP No.119/2016
with
MA No.3474/2016
In
OA No.4282/2013**

Order reserved on : 12.01.2017
Order pronounced on : 22.02.2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

1. Mr. U K Sikri, age 53 years
Working as Asst. Director (Engg.)
DG, Doordarshan
Mandi House, New Delhi-1
S/o Mr. Ram Lal Sikri
H.No.50, 4 Marla
Gurgaon – Haryana-122201
2. Mr. Veer Singh, age 54 years
Working as Asst. Director (Engg.)
o/o ADG (R&D) All India and Doordarshan
14 B Indraprastha Estate
Ring Road New Delhi-2
S/o Mr. Samman Singh
R/o 4C/317, Vartalok
Vasundhra, Gaziabad (UP)
3. Mr. Girish Chand Sharma, age 53 years
Working as Asst. Director (Engg.)
O/o ADG-E North Zone
AIR & Doordarshan
Jam Nagar House
Shahjahan Road, New Delhi-11
s/o Mr. Balkishan Sharma
R/o M-114 A Street No.8
Shastri Nagar, Delhi-52
4. Mr. S P S Gulati, age 55 years
Working as Asst. Director (Engg.)
Doordarshan Kendra
Mandi House, New Delhi-1
S/o Mr. R.S. Gulati age 53 years
GD 5, G Block, Hari Nagar

Jail Road, New Delhi-58
S/o Mr. Balkishan Sharma
R/o M-114 A Street No.8
Shastri Nagar, Delhi-52

5. Mr. Anil Kumar Arora, age 52 years
Working as Asst. Director (Engg.)
Doordarshan Kendra
Mandi House, New Delhi-1
S/o Mr. R L Arora
R/o 307, SFS Flats
Mukarjee Nagar, Delhi-9
6. Mr. Rajan Chopra, age 53 years
Working as Asst. Director (Engg.)
P&D DG: AIR, All India Radio
New Delhi-1
S/o Mr. K L Chopra
R/o 11B SFS Cat I Flats
Sheikh Sarai Phase I
New Delhi-17
7. Mr. Ajay Kumar Jaiswal, age 56 years
Working as Asst. Director (Engg.)
DG, Doordarshan
Mandi House, New Delhi-1
S/o late Mr. Shyam Lal Jaiswal
HC-4/12, Lajpat Apartment,
Lajpat Nagar
Sahibabad (Ghaziabad) 201005
8. Mr. Jagpal Singh, age 53 years
Working as Asst. Director (Engg.)
HPT AIR, All India Radio
Aligarh
S/o Mr. Devi Ram,
R/o AIR Col.
HPT, All India Radio, Aligarh
9. Mr. Kannu Singh Harit, age 55 years
Working as Asst. Director (Engg.)
Doordarshan Kendra
Mandi House, New Delhi-1
S/o Mr. Kalu Singh
R/o 79, Shiva Khand Vishkarma Nagar
Delhi-95

10. Mr. A.K. Bhardwaj, age 53
O/o ADG-E North Zone
AIR & Doordarshan
Jam Nagar House
Shahjahan Road, New Delhi-11
S/o Mr. B L Bhardwaj
63 SFS Flats
Mukharjee Apartments, Dr. Mukherjee Nagar
Delhi-9
11. Mr. Bal Krishna, age 54 years
Working as Asst. Director (Engg.)
HPT Kindsway, All India Radio
Kingsway Camp, Delhi-1
S/o late Mr. Ram Charan Singh
R/o A 792 Meet Nagar
Delhi-94
12. Ms. Raj Sharma age 58 years
Working as Asst. Director (Engg.)
DG, Doordarshan, Mandi House
New Delhi
D/o Mr. N C Sharma
A/30 Padara Road, New Delhi-11
13. Mr. Satyapal age 55 years
O/o ADG-E North Zone
AIR & Doordarshan
Jam Nagar House
Shahjahan Road, New Delhi-11
S/o Mr. M S Sharma
B-405, East Avenue Aptt.
Ahinsa Khand II, Indirapuram
Ghaziabad-UP
14. Mr. Jagjivan Ram, age 54 years
Working as Asst. Director (Engg.)
Doordarshan Kendra
Mandi House, New Delhi-1
S/o Shri Late Khasi Ram,
14, UF, Babar Place
New Delhi-1
15. Mr. Rama Shankar, age 44 years
Working as Asst. Director (Engg.)
O/o ADG (R&D) Staff Training Institute

All India and Doordarshan
Kingsway Camp
Delhi-9
S/o Mr. Gopal Sharma
D2/11 2nd Floor
Radio Colony
Kingsway Camp, Delhi-9

16. Mr. Prem Singh, age 58 years
Working as Asst. Director (Engg.)
DDG, HPT Khampur, All India Radio
Kampur, Delhi
s/o Mr. Suraj Bali Singh
D-1/5, Radio Colony
Kingsway Camp, Delhi-9

..Applicants

(By Advocate : Mr. Sachin Chauhan)

Versus

1. Shri Sunil Arora,
Secretary to the Govt. of India
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi-1
2. Shri Jawhar Sircar,
Chief Executive Officer
Prasar Bharti
2nd Floor, PTI Building
Sansad Marg, New Delhi-1
3. Shri Sanjay Kothari,
Secretary, DOPT
Ministry of Personnel, Pension & Public Services
North Block, New Delhi
4. Shri F. Sheheryar,
Director General
All India Radio, Parliament Street,
New Delhi
5. Shri C. Lalrosanga,
Director General
Doordarshan, Mandi House
Copernicus Marg,
New Delhi

..Respondents

(By Advocates : Mr. Sameer Aggarwal for R-1
Mr. S.M. Arif for R-2&3)

ORDER

Hon'ble Mr. V.N. Gaur, Member (A) :-

The applicants in the OA No.4282/2013 have filed this CP alleging non compliance of the order dated 02.11.2015 in OA No.4282/2013 which reads as follows :-

4. In view of the stand taken by the parties, the Original Application is disposed of with direction to the respondents to extend the benefit of the aforementioned Order to the applicants herein also, with all consequences, including the promotion to the post of STS, if they are otherwise eligible, within a period of twelve weeks from the date of receipt of a copy of this Order. No costs.

2. It has been alleged that though 12 weeks had elapsed from the date of the order, the respondents had not implemented the same. After the issue of notice in the present CP, the respondents filed a compliance affidavit on 12.08.2016 placing on record the order dated 24.06.2016 passed by the respondents promoting the 16 applicants in the OA and 6 others to Junior Time Scale of IB(ES). On 08.11.2016, by another compliance affidavit, it was stated by the respondents in the OA that another order in respect of the applicants antedating their regular appointment as JTS from the dates of their ad hoc appointment had been issued. With regard to the compliance of the second part of the order, of considering the applicants for STS and consequential benefits, the learned counsel for respondents submitted that the respondent No.4 had already

sent a proposal to promote all similarly placed Assistant Engineers promoted as JTS in the years 1999, 2000, 2004, 2005 and 2007. The respondent No.1 by order dated 20.10.2016 had conveyed a decision to regularise the ad hoc services of all Assistant Engineers from the respective dates of ad hoc appointment to the JTS grade. The respondent No.4 had issued a formal order in this regard on 26.10.2016. The necessary modification in the seniority list issued on 05.02.2016 has also been done. Explaining the delay in complying the second part of the order, the learned counsel submitted that according to the Recruitment Rules, the DPC for promotion to the post of STS is headed by Engineer-in-Chief (E-in-C), All India Radio (AIR) and since there is no regular E-in-C in position at present, the proposal had to be moved to the DOP&T through Ministry of I&B to seek exemption for relaxation of the Recruitment Rules to allow the present E-in-C, AIR (current charge) to chair the DPC. After receiving the approval from the Ministry, DPC was held on 07.11.2016. The minutes of the review DPC had been sent to the Ministry of I&B for approval of the appointing authority. The respondent No.4, therefore, complied with the orders of this Tribunal in true spirit.

3. The learned counsel for applicants in the CP argued that by interim order dated 10.12.2013 in OA No.4282/2013, this Tribunal had directed the respondents to provisionally consider the

applicants in the DPC. After that order, the respondents had issued last promotion order No.01/2014-BA(E) dated 29.08.2014 from JTS to STS for panel years 2009-2010, 2010-2011 and 2011-2012, without giving promotion to the applicants and mentioned that the said order was subject to the outcome of the OA No.4282/2013. In such a situation, since the applicants had to be considered for DPC provisionally, no fresh DPC was required.

4. After considering the arguments of the learned counsels for the parties and the documents placed on record, it is seen that the respondents in the OA had issued the order dated 24.06.2016 effecting promotion of the applicants and some others to JTS which was definitely beyond the 12 weeks granted by this Tribunal in the order dated 02.11.2015. However, from the reply filed on 08.11.2016 by the respondents, it is found that the applicant No.11 Shri Bal Krishna, is the junior most officer in the batch of 2007. It has also been submitted that the other applicants in the same OA and also in OA No.1646/2014 are not in the same order as in the seniority list dated 05.02.2016. The time taken by the respondents to resolve this issue before promoting the applicants to JTS on 24.06.2016, therefore, cannot be said to be a wilful defiance of the order of this Tribunal. It is further noted that with regard to the promotion to STS, there were procedural problems in the way because rules had to be relaxed in consultation with DOP&T to

promote the officiating E-in-C, AIR to preside over the DPC. It has been submitted that DPC has since been held and the proposal is under submission for approval of the appointing authority.

5. In the background of these facts, we do not find any wilful disobedience on the part of the respondents with regard to the implementation of the order dated 02.11.2015 in OA No.4282/2013. The CP is, therefore, dismissed and the noticees are discharged.

MA No.3474/2016 in CP No.119/2016 in OA No.4282/2013

6. This MA has been filed by the respondents in CP for waving of the cost imposed by this Tribunal on 09.11.2016. The said order is reproduced below :-

“Learned counsel for respondent No.1 (Ministry of Information & Broadcasting) and learned counsel for respondent No.4 (Director General, AIR) assure us that the review DPC has been held, in which the DPC has recommended the promotion of the applicants to the post of STS and the minutes of the DPC have been submitted to the Hon'ble Minister, who is the competent authority for approval. They seek and are allowed two weeks' time to comply with the order dated 02.11.2015 as a last opportunity. It is made clear that in case the order of the Tribunal is not implemented by the next date, all the respondents shall be personally present in the Court.

Mr. S.M. Arif, learned counsel for respondent No.4 stated that he has moved one M.A. (M.A. No.3344/2016) on behalf of said respondent seeking exemption from his personal appearance today, as the decision has reached a final stage. Exemption for today is allowed. M.A. stands disposed of. However, the extension of time for compliance of the order of all the respondents for a further period of fifteen days will be at a cost of Rs. 1 lac to be paid by all the respondents to the applicant.

List on 24.11.2016.

Order **dasti.**”

7. It is noted that starting from the issuing of the promotion order dated 24.06.2016, antedating of the date of appointment of the order dated 08.09.2016 and holding of DPC, have all been done by the respondents only after the notice in the CP had been issued, which is a matter of disappointment as well as grave concern. The order of this Tribunal had to be implemented with all seriousness within the time indicated in the order, and if there was any difficulty the same should have been brought to the notice of this Tribunal well in time through appropriate application. The respondents did not do that and, instead, explained the difficulties only after they were forced to file reply in the Contempt Petition. However, at this stage, when it is established that the respondents had been taking steps and moving relevant proposals for approval of the competent authority, though not brought to the notice of this Tribunal, we allow the MA in the interest of justice and waive the cost of Rs.1 lac imposed vide order dated 09.11.2016.

(V.N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

February, 2017

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