

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP/020/111/2017 in OA/020/00864/2014

Date of CAV : 06.09.2018

Date of Order : -10-2018

Between :

1. Joint Action Committee,
Akashvani Announcers Association,
Rep by its Covener E.V.S.R..K.Sastry,
Occ : Senior Grade Announcer,
All India Radio, Vijayawada.
2. A.Sarada, Occ : Senior Grade Announcer,
All India Radio, Vijayawada.Applicant

AND

1. Mr. NK SINHA, IAS
Secretary, Ministry of Information and Broadcasting,
Room No.615, Sastry Bhavan, New Delhi.
2. Mr. F. SHEHARIYAR,
The Chief Executive Officer,
Prasar Bharathi, II Floor, PTI Building
Parliament Street, New Delhi- 110 001.
3. Mr. SASHI SKEKAR VEMPATI,
The Director General, All India Radio,
Akashvani Bhavan, Parliament Street,
New Delhi – 110 001. ...Contemnors / Respondents

Counsel for the Applicant: Mr. K. Sudhaker Reddy
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER
THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

This petition is filed aggrieved by non compliance of order passed in OA No.864/2014, dated 26-04-2017.

2. The applicants contend that the respondents have not taken any steps to comply with the directions passed in the OA and deliberately and wilfully disobeying the orders passed in the O.A dated 26.-4.2017.

3. Respondents have filed compliance report stating that, OA 020/864/2014 was filed by Joint Action Committee, Akashwani Announcers' Association before this Tribunal with a prayer for merger of Grades II, III and IV of the Announcers cadre. The OA was disposed off vide order dated 26.04.2017 with the following direction to the Respondents : -

“4. In the circumstances and in view of the specific submission of the respondents in Para 2 (iii) of their counter that Respondent No.2 has already moved a proposal for merger of pre-revised scales of Rs.5000-8000, 5500-9000 & Rs.6500-10500 in respect of the posts of Announcer Grade-II, III & IV in PB-2 with GP of Rs.4600/- and designating the merged entity as Announcer Gr. II in line with the recommendations of 6th CPC, the OA is disposed of directing the respondents to complete the process of consultation and obtaining approval from the concerned Ministries for the said proposal and pass reasoned and speaking orders thereon within three months from the date of receipt of a copy of the order. No order as to costs.”

4. Respondents also submit that they have filed MA No.568 of 2017 with a prayer to grant six months time for implementing the order dated 26.04.2017 passed in the OA. The said MA was allowed by granting four months time for implementing the order passed in the OA. Thereafter, the Director General, All India Radio, New Delhi passed order No.32/21/2016-S-VIII, dated 05.10.2017 and communicated the same to the

applicants, which reads as under :

“ The matter of merger / cadre restructure has been referred to Ministry of Information & Broadcasting. The Ministry of I & B has to sought certain clarification with some observations which is being collected for submission to the Ministry. This examination process of merger is a time consuming exercise as it involves consultation with other Ministries / Departments such as DoP & T, Department of Expenditure etc.,.

Now therefore, keeping in view the facts mentioned above, the competent authority has come to conclusion that on receipt of the reply further action will be taken and you will be informed accordingly.”

Aggrieved by the above speaking order, the OA applicants filed this CP against non-implementation of the order passed in the OA dated 26.4.2017.

In response to the proposal made by Prasar Bharati, Ministry of Information & Broadcasting vide letter dated 17.07.2017 advised Prasar Bharati to first complete the scheduled manpower audit and thereafter submit the proposal for restructuring of Announcers' cadre. The Ministry also sought information / clarification on certain other points. However, with a view to expediting implementation of the Tribunal's order, Ministry of I & B vide letter dated 5.12.2017 requested Prasad Bharati to limit the proposal only to merger of Grades II, III and IV of the Announcer cadre.

5. The revised proposal made by the Prasar Bharati was considered by Ministry of I & B in consultation with their Internal Finance Division. However, the proposal has not been acceded to by the Ministry, as conveyed to Prasad Bharati vide letter dated 5.4.2018, keeping in view the following observations :

I. Details of posts falling into the category of 'deemed abolished' have not been provided. There may be many such vacant posts that have

fallen into the category of 'deemed abolished'. As advised by the IFD, process for revival of such posts is to be followed first.

II. As advised by the IFD, scheduled manpower audit should be completed first, which is yet to be done by the Prasar Bharati.

III. Proposal for merger of Grade II, III and IV of Announcers resulting into a two grade structure for Announcers cadre will also lead to reduction in the promotional avenues of Announcers.

6. The applicants further submit that, on the above advice of Ministry of Information & Broadcasting, it has been decided by Prasar Bharati to conduct manpower audit of the Corporation through an external agency. Necessary action, in this regard, is presently underway. In view of the above said developments, the respondents have passed another speaking order No.32/21/2016-S-VIII, dated 25.05.2018 and communicated the same to the applicants in the OA.

7. In view of the circumstances narrated above, the Respondents submit that they have complied with the order dated 26.4.2017 passed in the OA.

8. We have heard Mr.K.Sudhakar Reddy, learned counsel for the contempt petitioners and Mrs.K.Rajitha, learned Sr Central Govt., Standing Counsel for Respondents. After hearing submissions of counsel on both sides and having gone through the compliance affidavit filed by the Respondents, this Tribunal is of the considered view that, the matter of merger / cadre restructure has been referred to Ministry of Information & Broadcasting. The Ministry of I & B has to sought certain clarification with

some observations which is being collected for submission to the Ministry. This examination process of merger is a time consuming exercise as it involves consultation with other Ministries / Departments such as DoP & T, Department of Expenditure etc.,. With a view to expediting implementation of the Tribunal's order, Ministry of I & B vide letter dated 5.12.2017 requested Prasad Bharati to limit the proposal only to merger of Grades II, III and IV of the Announcer cadre. The revised proposal made by the Prasad Bharati was considered by Ministry of I & B in consultation with their Internal Finance Division. However, the proposal has not been acceded to by the Ministry, as conveyed to Prasad Bharati vide letter dated 5.4.2018. The respondents have passed another speaking order No.32/21/2016-S-VIII, dated 25.05.2018 and communicated the same to the applicants in the OA.

9. The respondents have submitted before this Tribunal that since this is a policy matter in which the Central Government is required to take steps and different positive steps have been taken by the Respondents. We have also perused the order passed in OA No.180/00569/2014 of CAT, Ernakulam Bench and find that findings arrived at in the said case cannot be made applicable to the present Contempt Petition in hand.

10. Therefore, in the circumstances, this Tribunal is not satisfied that they have committed any contempt of court by not implementing the order in question. Accordingly the CP is dismissed. No order as to cost.

(SWARUP KUMAR MISHRA) (B.V.SUDHAKAR)
JUDICIAL MEMBER ADMINISTRATIVE MEMBER

Dated : October, 2018.

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