

Central Administrative Tribunal Madras Bench

CP/310/00028/2019 in OA/310/01652/2015

Dated the 30th day of October Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.Jayalingeswaran,
S/o D.Rathnopathy,
Old No.69, New No.32,
'N' Block, Muthamil Street,
M.M.D.A. Colony,
Arumbakkam,
Chennai 600 106. .. Applicant/Applicant

By Advocate **M/s.R.Malaichamy**

Vs.

1. Shri Amit Khare,
The Secretary to
The Government of India,
M/o Information & Broadcasting,
New Delhi 110 001.
2. Shri Shashi S.Vempati,
Prasar Bharathi Broadcasting
Corporation of India,
rep. by its Chief Executive Officer
New Delhi 110 001.
3. Mr.Sahariyar,
The Director General,
All India Radio,
Akashavani Bhavan,

Parliament Street,
New Delhi 110 001.

4. Mr.Ubainthiya,
The Director General,
SR-1, AIR, Chennai 600 004.
Now post transferred to the
Additional Director General,
AIR, Bangalore,
Karnataka 560 001.

5. Mr.V.Chakravarthi,
The Station Director,
All India Radio (main),
Chennai 600 004.

6. Mr.M.Kandasamy,
The Station Director,
Commercial Broadcasting Service,
All India Radio,
Chennai 600 004.

.. Respondents/Respondents

By Advocate **Mr.SU.Srinivasan**

ORDER

Pronounced by Hon'ble Mr.P.Madhavan, Member(J)

This CA has been filed by the applicant in OA 1652/2015 against the respondents alleging wilful disobedience of the order passed by this Tribunal in OA 1652/2015 dated 20.12.2018.

2. The applicant had filed the OA seeking to set aside the order of the 3rd respondent in No.10/24/2014-S VII/620 dated 11.9.15 and to consequently direct the respondents to regularize the service of the applicant as Library Assistant and to further engage the applicant on contract basis till his service has been regularized.

This Tribunal disposed off the OA by order dated 20.12.2018 as follows:-

“2. When the matter is called, learned counsel for the applicant would refer to Annexure R2 communication dated 11.09.2015 of the second respondent addressed to the 3rd respondent in which it has been stated that the applicant's casual services could not be regularized and that his services may be utilised as per existing policy of contractual engagement only for the specified periods. It is submitted that the applicant was never informed of the said decision. However, now that this document has been filed by the respondents, the applicant would be satisfied if the second part of the communication is implemented and the applicant continued to be engaged on contractual basis for specified periods. In this connection his engagement by Annexure R1 communication dated 17.5.2012 is also referred to wherein it is stated that the applicant had been engaged on assignment basis as and when required for a fee of Rs.2430/-.

3. Learned counsel for the respondents would point out that what is being submitted before the Tribunal now is different from the relief sought in the OA. However, the respondents would engage the applicant as and when necessary as per their policy

on contractual engagement for specified periods on assignment basis as before and no specific direction from the Tribunal is required in the matter, it is submitted.

4. Keeping in view of the above submission, the OA is disposed of with a direction to the respondents to act in accordance with their policy and utilise the services of the applicant as permissible thereunder without being prejudiced by the filing of this OA against them by the applicant.”

3. When the matter is taken up, learned counsel for the applicant submits that even after the receipt of copy of the order the respondents had not complied with the said order and he was not given any engagement as observed by them in the reply statement filed before this Tribunal. According to him, there were several vacancies available in the respondents 4 to 6 AIR, Chennai in the cadre of Library Assistant. But, the respondents are not taking steps to utilise him as ordered by this Tribunal. So, aggrieved by the inaction the applicant has issued a Lawyer's notice on 07.2.2019 requesting the respondents to comply with the order. The respondents also replied on 23.2.19 stating that there is no question of giving preference over the fresh candidates and he was told that he can apply for casual announcer post. According to him, the respondents have appointed casual announcer and there is wilful contempt on their part in not implementing the order of this Tribunal.

4. The respondents in their reply to the contempt petition have stated that they have not committed any contempt against the Tribunal and they have not violated any of the order passed by this Tribunal. The Tribunal has ordered only to act in accordance with their policy and utilise the service of the applicant as permissible thereunder without being prejudiced by the filing of the OA against them by the

applicant. Accordingly, the respondents had informed the applicant that now there is no booking for casual Library Assistant in AIR, Chennai. The applicant's previous appointment was in FM Rainbow Section as casual Assignee till 17.6.15 and he was informed that he may apply for fresh empanelment for casual assignee and if he has computer knowledge he may apply for assistance in uploading programmes. According to them, no fresh casual assignment was made to any one after the order of the Tribunal. It is submitted that the nature of work in the library sections in AIR station has changed with introduction of new software and all the programmes including film songs scheduled for broadcast are uploaded in system for which computer knowledge is required. The respondents have no objection to engage the applicant in accordance with the Tribunal's direction provided the applicant possess the required skill and computer knowledge necessary for the job.

5. We have heard both sides and perused the reply and the order pronounced by this Tribunal in OA 1652/2015. On a perusal of the reply, it can be seen that the respondents have not appointed any Library Assistant (casual) after the disposal of the OA as there is no such assignment available in the AIR, Chennai. According to the respondents, some other casual assignee vacancies available but the applicant is not filing any request for the same.

6. In view of the submissions made by the respondents in their reply and the submissions made by the counsel for the respondents, it is seen that there is no wilful contempt on the part of the respondents in obeying the order of this Tribunal. What is ordered by the Tribunal is to consider the engagement of the applicant on contract

basis depending upon the policy of the respondents and utilise the service of the applicant as permissible thereunder. So, we find that there is absolutely any contempt as alleged by the applicant in this case.

7. Accordingly the CA is dismissed. Notices of contempt, if any, are discharged.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

30.10.2019

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