

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP-483/2019 in
OA-243/2002**

New Delhi, this the 08th day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Programme Staff Association of All India Radio
And Doordarshan
Through its Secretary Co-ordination
Mr. Santosh Nahar
Director, Transcription and Programme Exchange Service
4th Floor, Sansad Marg, New Delhi. Petitioners

(through Sh. Pankaj Kumar Singh)

Versus

1. Shri Amit Khare
Secretary, Ministry of Information and Broadcasting
Shastri Bhawan, Dr. Rajendra Prasad Marg
New Delhi.
2. Shri S.S. Vempati
Chief Executive Officer, Director General
Prasar Bharati/Akashvani, IIInd Floor
PTI Building, New Delhi.
3. Shri F. Sheheryar
Director General
All India Radio
Prasar Bharati/Akashvani, IIInd Floor
PTI Building, New Delhi.
4. Shri Arvind Sexena
Chairman
Union Public Service Commission

Dholpur House, Shahjhan Road
New Delhi. ... Respondents

(through Sh. Rajeev Sharma with Sh. Saket Chandra for R. Nos. 1, 2 and 3 and Sh. Hanu Bhaskar for R. No. 4)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

It was way back in the year 2002, that the petitioner herein, together with four serving officers of Doordarshan (Prasar Bharti), filed OA No. 243/2002 seeking a general relief in the form of a direction to the respondents to convene the DPC meetings for various posts. The OA was disposed of on 29.01.2002 at the admission stage, directing the respondents to conduct DPC, as early as possible and preferably within four months, for promotion to the post of JTS/STS/JAG and SAG. Stating that the directions issued in the OA are not being complied with, the petitioner herein and three officers filed CP No. 55/2003. That was closed on 21.08.2003, recording the submission made on behalf of the respondents that they are complying with the directions of the Tribunal bit by bit, and directing that the process shall be completed within three months.

2. A second contempt case no. 39/2004 was also filed. An order was passed on 30.10.2006 taking note of certain developments, but granting some more time for compliance. That was reopened in the

year 2015 and apart from giving three months time for compliance, it was directed that consequential orders must be passed granting all the consequential benefits to the persons, who deserved to be promoted.

3. The respondents have completed the process and through an order dated 10.04.2019, it was directed that the promotions were made to JTS. It was observed that the promotions shall be prospective in operation. Another order was passed on 26.09.2019 in respect of some more officers.

4. This contempt case is filed alleging that the respondents have not implemented the orders passed in the OA and the order dated 04.11.2015 in CP No. 39/2004 “in its true letter and spirit”. It is stated that the promotions ought to have been made with retrospective effect extending all the benefits. It is also stated that for other posts, the promotions have not been effected as yet.

5. We heard Sh. Pankaj Kumar Singh, learned counsel for the petitioner, Sh. Rajeev Sharma, learned counsel for respondent nos. 1, 2 and 3 and Sh. Hanu Bhaskar, learned counsel for respondent no. 4.

6. It is rather unfortunate that the petitioner herein had chosen to undertake a litigation, almost akin to a public interest litigation, before this Tribunal. To give colour, that individual grievances are

also ventilated, some officers were included as applicants. The relief claimed in the OA was general in purport, not only in terms of posts, but also the nature thereof. It hardly needs any mention that in any organisation, promotion to any post would depend upon several factors. Even when a vacancy exists, much would depend upon the availability of the qualified persons and the work load. Existence of a litigation or rival claims, needs to be taken note of. Since, the OA was disposed of at the admission stage, none of those aspects were considered and a general direction was issued as under:

“6. Having regard to the claims made here, we find that interest of justice would be adequately met by disposing of the present OA at this stage itself by issuing a direction to the respondents to hold the relevant DPC meetings as early as possible and preferable within a period of four months from the date of receipt of a copy of this order to consider the cases of the applicants along with other eligible persons for promotion to JTS, STS, JAG & SAT and pass suitable orders in accordance with law.”

7. The complaint of non compliance with the direction issued in the OA, if at all, should have been only by the individual officers. The Association hardly figures at any stage. None of the officers, who figured as parties to the OA have come forward by stating that they became eligible but were not considered for promotion etc. The present CP is filed by the Association alone.

8. The respondents have already completed the process of promotion and orders dated 10.04.2019 and 26.09.2019 were issued. In case, any individual officer is aggrieved by the nature of steps in this behalf, it was always for them to work out their remedies. The petitioner herein cannot be said to be an aggrieved party. Further, the relief which was granted in general terms in the OA, cannot be expanded in a contempt case at various stages. An Executing Court cannot travel beyond the decree which is sought to be executed.

9. We do not find any merit in the CP and accordingly, the same is dismissed.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/