

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1869 of 2015

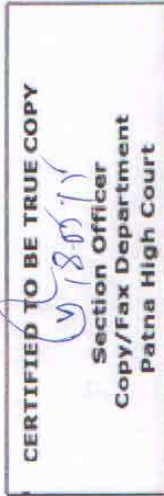


1. Union of India through Secretary Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. Mr. Raghu Menon, then was, Secretary Department of Personnel and Training, North Block, New Delhi through Mrs. Alka Sirohi, then was.
3. Mr. Rajiv Takru (then was) Chief Executive Officer, Prasar Bharthi, Broadcasting Corporation of India, Doordarshan Mandi House, New Delhi.
4. Mr. Noreen Naqvi (then was), The Director General, AIR, AIR Bhawan, Sansad Marg, New Delhi.

-----Respondents/Petitioners

Versus

1. Akaswani & Doordarshan Diploma Engineer Association through its President namely Brij Kishore Roy, son of Langtu Roy, resident of CB -19, Biswas Apartment Christian Colony, Keshwa Lal Road, Lodipur, Patna posted as Sr. Engg. Asstt. at AIR (CBS), Patna.
2. Harendra Kumar Mishra, son of Adya Saran Mishra, resident of DDK Patna, P.O. – G.P.O., P.S. – Kotwali, District – Patna, posted as Sr. Engg. Asstt. at DDK, Patna.
3. Manoranjan Kumar, son of Rangu Lal, working as AE, DDMC, Gaya.
4. Nagina Singh, son of Rangu Lal, working as Assistant Engineer, HPT Kingway Compound, AIR, New Delhi.
5. Manju Kumari Sahay, D/o – Late H.N. Sahay, working as Assistant Engineer, AIR, Patna.
6. Sudhanshu Kumar, son of Late Kaleshwar Prasad, resident





- of Mohalla – Anishabad, P.S. – Gardanibagh, District – Patna, posted as Sr. Engg. Asstt. at AIR (CBS), Patna.
7. Binod Kumar, son of Laxmi Prasad Sah, working as Sr. EA, AIR, Patna.
 8. Radhika Raman Prasad Singh, son of Sarju Prasad Singh, working as Sr. EA, Ranchi.
 9. Prabhati Sinha, wife of Ram Narayan Sinha, resident of Longertoli, P.S. and P.O. Pirbahore, District – Patna.
 10. Shyamai Naskar, son of P. Naskar, working as Assistant Engineer, DDK, Kolkatta.
 11. Om Prakash Ram, son of Tuntun Ram, working as Sr. EA, AIR, Patna.
 12. Chuni Lal Sharma, son of Late Gyan Chandra Sharma, AE, DDK, Itanagar, Arunachal Pradesh.

-----Applicants/Respondents

Appearance :

For the Petitioners : Mr. Sanjay Kumar(ASG)
For the Respondents : Mr. Abhinav Srivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL JUDGMENT

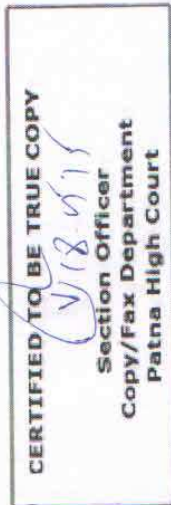
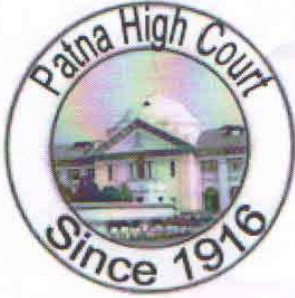
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 12-05-2015

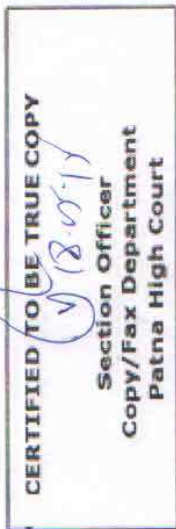
Heard learned counsel for the Union of India and Sri Abhinav Srivastava, who sought leave to intervene in the matter on behalf of contesting respondents, and with their consent, this application has been heard for its final disposal at this stage itself.

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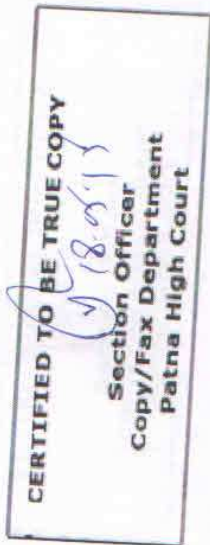
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Section Officer
Copy/Fax Department
Patna High Court



2. A proceeding was initiated upon an application filed by Akaswani and Doordarshan Diploma Engineers Association through its President namely Brij Kishore Roy and other persons before the Central Administrative Tribunal (hereinafter referred to as 'Tribunal'), Patna Bench, Patna. Their claim was that they were entitled to Assured Career Progression (hereinafter referred to as 'ACP') which was being wrongly denied by the Doordarshan authorities. The matter was contested before the Tribunal and the Tribunal rejected the plea of Doordarshan that certain incremental allowances having been granted, it would be treated as upgradation disentitling the applicants the benefit of ACP. The Tribunal, accordingly, directed that all persons be granted ACP. Doordarshan authorities being aggrieved preferred a writ petition before this Court. The writ petition, after contest, was dismissed with slightest modification. The writ court held that there could not be a generalized direction to grant ACP but the direction could be limited to persons individually in whose cases the facts would have to be examined, but principally, writ court rejected the plea of Doordarshan that any increment or upgradation disentitled the applicants to ACP. Against this,



Doordarshan went unsuccessfully before the Apex Court. Notwithstanding the order of the Tribunal as affirmed by the Division Bench of this Court in writ proceedings and the Apex Court aforesaid, the Doordarshan authorities were not implementing the same. An application was filed for initiating contempt proceedings against Doordarshan. While those contempt proceedings were pending, Doordarshan authorities then started examining individual cases, but, while doing so, they once again started rejecting the claims on the same ground which had already been negated by the Tribunal and affirmed by the Division Bench of this Court. This denial of ACP was then brought to the notice of the Tribunal in the pending C.C.P.A. The Tribunal took notice of the facts and held that the Doordarshan authorities were prima facie guilty of contempt. While directing implementation of the earlier order of the Tribunal, notices were issued initiating contempt proceedings and requiring personal appearance of Chief Executive Officer of Prasar Bharti. This is order dated 08.12.2011 passed in C.C.P.A. No. 22/2011, arising out of O.A. No. 514/2002. It is this order against which the present writ petition has been filed on 29.01.2015 i.e. almost after 3½ years.



3. The first question before us is, why the writ petition after 3½ years ? The answer is that this C.C.P.A. proceedings have already stood terminated upon full implementation of the order of the Tribunal long back on 23.05.2012, where the Doordarshan authorities have accepted the orders of the Tribunal, implemented the same and granted benefit to all the applicants. The next question is that if C.C.P.A. itself has been disposed of finally then this order which was of an interim nature merged with the final order and is no more operative. If, it is no more operative then why this challenge. The answer given is that while the C.C.P.A. was finally being disposed of, Doordarshan authorities had sought and obtained a leave to file Review Application before this Hon'ble Court and they thereafter filed a Review Application for review of the writ judgment but had withdrawn the same.

4. Having withdrawn the Review Application having suffered final orders in the earlier original application, having suffered the final order in the writ proceedings, having suffered the final order in C.C.P.A., we fail to appreciate what is the cause of action to file the present writ petition against the non-existent order.



5. The only ground now that is pointed out is that based upon its order which was interim in nature, relief is being taken by various employees of the Doordarshan in different parts of the country and, therefore, it has become necessary for them to challenge this order.

6. We also see no reason to interfere inasmuch as the C.C.P.A. proceedings having been concluded and the Doordarshan authorities having implemented the orders, having accepted the orders of the Tribunal, cannot now come to challenge an interim order passed at an interim stage.

7. We are afraid, we are unable to appreciate the apprehension which appears to be totally misconceived. An interim order can never be a precedent nor can be an authority in respect of any decision. Final orders having been passed and implement, the apprehension is misconceived and so is the writ petition. It is, accordingly, dismissed.

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18/01/11
Section Officer
Copy/Fax Department
Patna High Court

sd.
(Navaniti Prasad Singh, J.)

sd.
(Rajendra Kumar Mishra, J.)

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