

**Ajit Kumar Singh Vs. Uday Kumar Verma, Secretary, Ministry of Information and Broadcasting**

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**Court :** Central Administrative Tribunal CAT Delhi

**Decided On :** Sep-05-2012

**Judge :** The Honourable Mr. M.L. Chauhan, Member (J) & the Honourable Mr. Sudhir Kumar, Member (a)

**Appeal No. :** CP No.373 of 2012 In OA No.2577/2011

**Appellant :** Ajit Kumar Singh

**Respondent :** Uday Kumar Verma, Secretary, Ministry of Information and Broadcasting

**Advocate for Pet/Ap. :** For the Applicant : Shri Apurb Lal, Advocate. For the Respondents : S.M. Arif, Shri Sameer Aggarwal, Advocates.

**Judgement :**

M.L. Chauhan, Member (J):

Applicant has filed this Contempt Petition for the alleged violation of the order dated 30.01.2012, whereby this Tribunal in the operative portion passed the following order:

“Therefore, in the facts and circumstances of the case, we direct that they should expeditiously finalize and notify the Recruitment Rules so that the claim of the

applicant and other similarly placed persons is met. In our considered opinion, the period of three months from the date of receipt of a copy of this order would be sufficient enough for the respondents to finalize the amendment proposed in the Recruitment Rules. Thereafter, the applicant's request shall be considered and appropriate decision shall be taken under intimation to him."

2. Since the order of this Tribunal was not complied with within the stipulated period and also within the extended time, as granted by this Tribunal, applicant has filed this Contempt Petition (for short, CP).

3. Notice of this CP was given to the respondent, who has not filed reply. However, during the course of arguments respondent has produced a Draft Status Note, which is taken on record. Along with the Draft Status Note respondent has also enclosed copy of D.O. letter No.515/64/2011-BA(E) dated 21.08.2012, written by the Joint Secretary, Ministry of Information and Broadcasting, addressed to Joint Secretary (E), DoPandT, whereby the request has been made to the DoPandT to give its comments so that the matter can be further processed for the approval of the UPSC and Ministry of Law before the Rules are notified. At this stage, it will be useful to quote para-3 of the said letter dated 21.08.2012, which reads thus:

"3. The Ministry is facing contempt proceedings in CAT (PB), New Delhi in O.A. No.2577/2011 filed by Sh. Ajit Singh before the Hon'ble CAT for grant of pay parity in SAG to IB (E)S officer where the Ministry has been directed to amend the recruitment rules and grant the benefit of pay parity to the applicant. The Ministry has already filed M.A. seeking extension of time as the proposal for amendment of recruitment rules also need to be sent to and approved by UPSC and Ministry of Law before the same is notified. The matter is coming up for hearing on 14.08.2012 and as the Hon'ble CAT is not likely to grant further extension it is requested that the amendment proposal may be approved at the earliest so that subsequent references to UPSC and Ministry of Law can be made at the earliest."

4. Pursuant to the said D.O. letter written by the concerned Joint Secretary to the Joint Secretary (E), DoPandT, DoPandT has given its comments and now the matter has to be sent for vetting/approval of UPSC and Ministry of Law. It may be

relevant to state here that earlier the respondent had initiated proposal for amendment of the recruitment rules and were sent to the DoPandT on 18.01.2012. However, the DoPandT had raised some queries which have been replied to and the proposal had once again been referred to DoPandT on 28.05.2012 after approval of competent authority in the Ministry of landB. It is only thereafter and pursuant to the D.O. letter written by Ministry of landB to the DoPandT that comments from DoPandT have now been received.

5. In the light of what has been stated above, we are of the view that it is not a case where the respondent should be held guilty of willful disobedience of the order dated 30.01.2012. However, we are of the view that sufficient time had already lapsed and this Tribunal has granted extension of time to comply with the aforesaid order till 31.07.2012, still respondents have not carried out the amendment in the recruitment rules, which may affect grant of pay parity of SAG to the applicant in case the benefit is not granted to the applicant w.e.f. 1.4.2010 in the light of the DoPandT OM dated 18.01.2011 and amendment is given prospective effect. Under these circumstances, we are of the view that the respondents shall endeavor to pursue the matter expeditiously by taking up the matter with the Ministry of Law and UPSC and we expect that the amendment in the recruitment rules shall be notified expeditiously and in any case not later than 31st October, 2012.

6. With these observations, CP is disposed of. Notice issued to the respondent is hereby discharged.

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