



WEB COPY

Cont.P.No.697 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cont.P.No.697 of 2014

in

W.P.No.38069 of 2004

N.Uthandavan,
No.4/34, Parthiban Street,
Ullagaram, Chennai

... Petitioner

vs

- 1.Anandan,
Director,
Doordarshan Kendra,
Chennai.
- 2.Tripurari Saran,
Director General,
Doordarshan, New Delhi.
- 3.Mandaloi,
Director General,
All India Radio, Prasar Bharathi,
Broadcasting Corporation of India,
New Delhi.

- 4.Thyaga Rajan,
Chief Engineer (A.I.R. & T.V.),
South Zone, Prasar Bharathi
Broadcasting Corporation of India,
Chennai.

- 5.Uthayakumar Varma,
Secretary,
Ministry of Information & Broadcasting,
New Delhi.

... Respondents



Prayer: Petition filed under Section 11 of Contempt of Courts Act, 1976 to initiate contempt proceedings against the respondents for wilfully disobeying the orders of this Court in W.P.No.38069 of 2004 dated 21.07.2009.

For Petitioner : Mr.V.Ajayakumar
For Respondents : Mr.Venkatasamy Babu,
Central Government Standing Counsel

ORDER

[Order of this Court was delivered by T.RAJA, J.]

Mr.N.Uthandavan has filed this Contempt Petition since the order passed by the Central Administrative Tribunal dated 06.04.2004 has not been implemented even after the Writ Petition No.38069 of 2004 filed by the respondents was dismissed by this Court vide order dated 21.07.2009.

2.Mr.Venkatasamy Babu, learned Central Government Standing Counsel appearing for the respondents submitted that the allegations of contempt cannot be raised against the official respondents since after the order dated 06.04.2004 passed by the learned Central Administrative Tribunal, the respondents came to this Court with a writ petition in W.P.No.38069 of 2004 and this Court after hearing the parties dismissed the writ petition by order dated 21.07.2009 holding that the petitioner herein is entitled only for the terminal benefits. The said order was taken upto the Hon'ble Supreme Court in Special Leave Petition (Civil) No.32076 of 2014. The Apex Court in its

<https://hcservices.eCourts.gov.in/hcsr206s> order dated 26.04.2017 passed the following order:



“We are not inclined to interfere with the impugned order, particularly, as the contesting respondent has retired from service. However, it is made clear that while giving notional promotion, in pursuance of the impugned order, it will be open to the petitioner to apply the Bench Marks as per rules.”

3.He further submitted that pursuant to the above order, the Department convened a limited Review DPC in the UPSC on 27.03.2019 for granting promotion to the petitioner herein. The Review DPC examined the case of the petitioner but not recommended for officiating promotion for the reason that the petitioner was absent for duty from 21.11.1998 to 24.01.2005 and no ACR for that period was also available. Therefore, the Review DCP came to the conclusion that the petitioner cannot be given promotion to the cadre of Station Engineer. During the pendency of the contempt petition before this Court, the petitioner made a representation dated 08.05.2009 for revision of pension and the same was rejected by a speaking order passed by the competent authority on 29.05.2019 and the said rejection order was also communicated to the petitioner on 12.06.2019. Since the order rejecting the claim of the petitioner was passed after applying the bench mark rule, without challenging the same, he cannot pursue this contempt.

4.We find merits on the submission made by the learned Central

<https://hcservices.e-governance.gov.in/hcservices/Contempt> Government Standing Counsel appearing for the respondents. When the



respondents have passed order rejecting the representation of the petitioner dated 08.05.2009 vide order dated 29.05.2019 and the same has also been communicated to the petitioner on 12.06.2019, nothing survives in this Contempt and the same is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

srm

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/26/05/2022

To

- 1.The Director,
Doordarshan Kendra, Chennai.
- 2.The Director General,
Doordarshan, New Delhi.
- 3.The Director General,
All India Radio, Prasar Bharathi,
Broadcasting Corporation of India,
New Delhi.
- 4.The Chief Engineer (A.I.R. & T.V.),
South Zone, Prasar Bharathi
Broadcasting Corporation of India,
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- 5.The Secretary,
Ministry of Information & Broadcasting,
New Delhi.