

(2010) 12 KL CK 0086

In the High Court Of Kerala

Case No : Con. Case (C) No. 953 of 2010 (S)

Dr. V. Padmini, Subhadra B. Menon and Sujatha B. Menon

APPELLANT

Vs

Ms. Noreen Naqvi

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0086

Hon'ble Judges : Jasti Chelameswar, C.J;P.R. Ramachandra Menon, J

Bench : Division Bench

Advocate : E.K. Nandakumar, for the Appellant; T.P.M. Ibrahim Khan, Asst. S.G. of India, for the Respondent

Final Decision : Dismissed

Judgement

P.R. Ramachandra Menon, J.—The Petitioners are the legal heirs of the deceased applicant in OA No. 804 of 2000, who retired from the service of the erstwhile All India Radio, on 31.10.1996, while working as a Programme Executive. The O.A. was preferred by the deceased during his life time, claiming the benefits of the order dated 25.02.99 issued in the matter of upgradation of pay scales of certain categories of employees working in the "Prasar Bharati Corporation" with effect from 06.01.1996.

2. After hearing both sides, the prayer made in the application was declined and OA was dismissed by the Central Administrative Tribunal, Ernakulam, which was subjected to challenge by filing O.P. No. 22964/2002 before this Court. The events did not turn to be fruitful and the OP filed by the deceased was also dismissed. Later, a Review Petition was filed before this Court by the deceased Petitioner stating that the Bangalore Bench of the Central Administrative Tribunal had taken a different view in OA No. 889 of 1999 filed by some similarly situated persons and that, the concerned Respondents had already taken a decision to have it implemented and this being the position, the claim of the Petitioner is also liable to be entertained in a positive manner.

3. The above Review Petition (RP No. 405/2007) was disposed of by this Court observing that the verdict already passed in OA or the judgment in OP No. 22964/02 will not bar the way of the Petitioner in approaching the 2nd Respondent forgetting similar benefits, if the concerned Respondents had already implemented Annexure A1 order. It is alleging willful disobedience of the said direction that the Petitioners (legal heirs of the deceased Petitioner) have approached this Court stating that the direction has not been complied with, which is sought to be proceeded against.

4. The Respondents have filed a statement. The Assistant Solicitor General appearing on behalf of the Respondents has filed a statement, on instructions, pointing out that, the idea and understanding of the Petitioners are wrong and misconceived. It is stated that the issue had already been taken up before the Apex Court, as to the sustainability of the claim in similar case and the Apex Court, as per the judgment dated 19.07.2006, has categorically held that the benefits in the order dated 25.02.1999 are liable to be extended only to persons who were working in the Prasar Bharati Corporation or persons who are currently in service. This being the position, no benefits can be extended to the Petitioners, submits the learned Assistant Solicitor General.

After hearing both sides this Court finds that, the law has been declared as per Annexure R1 Judgment of the Apex Court as mentioned above. In such circumstances, this Court does not find any contumacious act or willful disobedience on the part of the Respondents with regard to the implementation of the direction. No further steps are liable to be pursued in the contempt matter and the same is dismissed accordingly.