Central Administrative Tribunal
Principal Bench

OA No.477/2011

New Delhi, this the 1st day of February, 2011

Hon'ble Dr. Ramesh Chandra Panda, Member (A)
Hon'ble Dr. K.B. Suresh, Member (J)

Shri Praveen Kumar,
S/o Shri Hira Singh,
Aged about 39 years,
Working as Engineering Assistant,
O/o Director Doordarshan Production Centre,
Khel Gaon,
New Delhi.

(By Advocate : A.K. Bhakta) ... **Applicant**

Versus

1. Union of India,
Through The Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi.

2. Director General,
All India Radio,
Akashwani Bhawan,
Sansad Marg,
New Dehli.

3. The Director,
Doordarshan Central Production Centre,
Khel Gaon,
New Delhi.

.... **Respondents.**

: O R D E R (ORAL) :

Dr. Ramesh Chandra Panda, Member (A)

Shri Praveen Kumar, the Applicant herein has come up before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following relief(s) :-

"(i) Direct the respondent to grant the benefits of ACP w.e.f. 20.02.2008 to the applicant extending the benefits of order

dated 07.09.2009 in OA No.514/2002 passed by Lt. Central Administrative Tribunal, Patna Bench.

(ii) Direct the respondents to produce the records of the case.

(iii) Award exemplary costs of proceedings.'

(iv) Pass such further order or orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

2. At the admission stage, Shri A.K. Bhakta, learned counsel for the Applicant submitted that the Applicant was appointed as Engineering Assistant on 19.02.1996 through Direct Recruitment in the pay scale of ₹2000-3200, which was revised to the pay scale of ₹6500-10500. The Applicant having completed 12 years of service on 20.02.2008 became eligible to get financial upgradation under Accelerated Career Progression Scheme (ACP) but the same was not granted though he was entitled. Shri Bhakta submits that the Applicant submitted his representation dated 09.06.2008 and subsequently, served a legal notice on the Respondents seeking sanction of financial benefits under ACP. He followed up with a reminder on 11.02.2010. It is stated at the admission stage that the Applicant's case is squarely covered by the order of the Patna Bench of this Tribunal in **OA No.514/2002**, which was upheld by the Hon'ble High Court of Patna in CWJC No.6451/2010 decided on 25.08.2010 and the same was also confirmed by dismissal of the Special ~~Writ~~ Leave Petition by the Hon'ble Supreme Court of India in Civil Appeal No.2021/2010 decided on 10.01.2011. In view of this fact, the learned counsel for the Applicant submits that the Applicant would be satisfied if the Respondents are directed to consider this OA as his supplementary representation and extend the benefits, as applicable to the similarly placed Applicants in OA No.514/2002 decided on

3. As the request of the learned counsel is only to issue a direction to consider the OA as Applicant's supplementary representation, we are not issuing any notice to the Respondents and are protecting their rights to agitate the matter if necessary.

4. Without going into the merits of the case, we direct the Respondents to consider the Applicant's pending representations and treat the present OA as his supplementary representation and analyse whether the case of the Applicant is squarely covered by the judgment of Patna Bench of this Tribunal, as stated within and if the case is found to be fully covered, the benefits applicable to the Applicants in the said OA should also be extended to the Applicant in the present OA. If it is not covered squarely, a speaking and reasoned order needs to be passed with a copy to the Applicant. The above exercise should be completed within a period of 9 weeks from the date of receipt of a certified copy of this order.

5. With the above directions, the OA is disposed of. No costs. The registry is directed to enclose a copy of the OA alongwith copy of this order meant for the Respondents.

(Dr. K.B. Suresh)
Member (J)

(Dr. Ramesh Chandra Panda)
Member (A)

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