

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

36/J

Copernicus Marg, New Delhi  
Date: 3-1-14

From  
The Principal Registrar  
Central Administrative Tribunal  
Principal Bench, New Delhi

To 1. Sh. Yogesh Sharma, Advocate, AT Ban Room N Delhi  
2. Secretary, Min of I & B, G.O. I, Shastri Bhawan, N Delhi  
3. C.E.O. Prasan Bharti, PT Bldg, N Delhi-1  
4. DG, Dandakshank Kendra, Dandakshank Bhawan,  
Mandi House, Copernicus Marg, N Delhi  
5. DG, A.I.R. Akashwani Bhawan, Sansad Marg,  
N. Delhi

Regn. OA No. TA No. 4520/13

Pradeep Galhotra vs Applicant (s)

Versus


UOI vs Respondent (s)

Sir,

I am directed to forward herewith a copy of Judgment/Order dated: 24-12-13  
passed by this Tribunal in the above mentioned case for information and necessary  
action, if any.

Please acknowledge the receipt.

Yours faithfully,



(S. Rangarajan)  
Section Officer J-II  
For Principal Registrar



Enc. Paper Book to Respondents.

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No.4520/2013

Tuesday, this the 24<sup>th</sup> day of December, 2013

**Hon'ble Shri G.George Paracken, Member (J)  
Hon'ble Shri Ashok Kumar, Member(A)**

1. Pradeep Galhotra S/o Shri O.P. Galhotra  
R/o C-16-Y-3, Block-C, Dilshad Garden  
Delhi - 110095.
2. Kavindra Singh S/o Hayat Singh  
R/o D-6/11, Radio Colony  
Kingsway Camp, Delhi
3. Ram Kishan, S/o Late Sh. Kanhaya Lal  
R/o H.No. 9776, Ahata Thakur Daska  
Sarai Rohilla, New Delhi.
4. Birjesh Kumar S/o Sh. Pat Ram Singh  
R/o 5/169, Santpura, P.O. Govindpuri  
Modinagar, Distt. Ghaziabad
5. Salady Umanand S/o Late S.R. Rao  
R/o 157-C/A, Pocket Dilshad Garden  
Delhi - 110090
6. L.N. Dwivedi S/o Sh. C.S. Dwivedi  
R/o Plot No.883, Flat No.FF-4, Sec.5,  
Vaishali, Ghaziabad
7. Rakesh Kumar S/o Sh. Kimiti Lal  
R/o H-I-109, Lajpat Nagar-I  
New Delhi - 110024.
8. K.S. Gulia S/o Sh. Balbir Singh  
R/o H.No. 1608, Sec.3, Rohtak (Har.)
9. N.C. Adak S/o Late B.L. Adak  
R/o 22/1047, Lodi Colony  
New Delhi -110003
10. Rajni Pundir S/o Bhopal Singh  
R/o H.No.73, Sec. 22, Dwarka





New Delhi.

11. S.P. Singh S/o Sh. Tuta Ram  
R/o M-I/3, Shiksha Apartment  
Vasundhra Ghaziabad (U.P.)
12. Om Prakash S/o Sh. R.N. Singh  
R/o J-4/128B, Khirki Extn.  
Maluja Nagar, New Delhi.
13. Rakesh Kumar S/o Sh. Dharam Veer Singh  
R/o 12, Meera Enclave, Garh Road  
Meerut
14. Edara Sham Prasad  
S/o Edara Venkata Ratnam  
R/o 19D, YP Block, Pitampura  
Delhi-110034.
15. Geeta Devi W/o Sh. M.M. Awasthi  
R/o C-160, PK.VII, KV.II, Sec. 82,  
Noida (UP)
16. Rakesh Kumar S/o Sh. Atter Singh  
R/o B-207, Asha Aptt. Bajana  
Ghaziabad
17. Raj Kishore Singh  
S/o Late Shree Vidya Nand Singh  
R/o A-302/Himachali CGHS Ltd.  
Plot No.8, Sec.3, Dwarka, Delhi-78
18. Deep Narayan Das S/o Sh. Arjun Das  
R/o H.No. B1, Neelkanth Bhawan-1,  
Main Road Burari, Santnagar, Delhi - 84
19. B.P. Gupta S/o Late Sh. R.B. Agarwal  
R/o C/o H.No.225, Krisha Vihar  
New Delhi
20. Poonam Punjabi W/o Jawahar Lal  
R/o 334, Kailash Tower-I, Mount Kailash  
New Delhi-65
21. Rajesh Bajpai S/o Sh. J.P. Bajpai  
R/o 45, L.I.G. Kailash Puri  
Mathura Road, Agra-282002
22. K. Malavi Khandelwal



W/o Anil Khandelwal  
R/o 569, Sector-4, R.K. Puram  
New Delhi - 110022

23. Shashi Kant Nim S/o Late Sh. Shish Ram  
R/o 1/4372, Ram Nagar Extn., Shadipur  
Delhi - 110072
24. Dinesh Chand S/o Sh. R.C. Sharma  
R/o C-2/179, Yamuna Vihar  
Delhi-110053
25. Rajesh Kumar S/o Sh. Nathu Singh  
R/o 17FF, Neelam Vihar Kaushambi  
Ghaziabad (UP)
26. Rajjan Babu Dwivedi S/o Sh. Ram Sanehi  
R/o D-9/11, Radio Colony, Kingsway Camp  
Delhi - 110009
27. Brijpal Singh S/o Phool Singh  
R/o B-615, MIG DDA Flats, Loni Road  
Delhi - 110093
28. Shyam Saran S/o Late Gur Saran  
R/o Flat No. 104, T-7, Panchsheel  
Primerose, Phase-2, Ghaziabad
29. Neeraj Misra S/o Late J.C. Misra  
R/o M5/D4, Jhulelal Apptt., Road N.44  
Pitampura, Delhi
30. Dinesh Chandra Sharma  
S/o Sh. Ram Gopal Sharma  
R/o 24, Raghunathpuri, First 'B'  
Pratap Nagar, H.B. Sanganer, Jaipur
31. Shashank Tiwari S/o Sh. Kailash Chandra Tiwari  
R/o F.227/3, Andrews Ganj  
New Delhi - 110049
32. Yugal Chandra Tripathi  
S/o Sh. Chandra Bhallabh Tripathi  
R/o 53, Laxmanpuri, Faizabad Road  
Idiranagar, Lucknow (U.P.)
33. Niraj Pande S/o Sh. G.C. Pande  
R/o 20, Vrindavan Apartments, Plot No.110





I.P. Extn. Patparganj, Delhi - 110092

34. Shyamal Das Gupta  
S/o Late C.R. Das Gupta  
R/o D-4, Raj Heights Apartment  
Plot No.C-24/C, Shalimar Garden (Extn.2)  
Sahibabad, Pin-201005
35. Ravinder Kumar S/o Sh. Kartar Singh  
R/o A-7/62, Bhajanpura, Delhi - 53
36. Suneeta Khanna W/o Sh. R.K. Khanna  
R/o J-188/Sector-25, Jal Vaya Vihar  
Noida-201301
37. Preminder Singh S/o Late S. Jagu Singh  
R/o A-716, 1<sup>st</sup> Floor, Shastri Nagar  
Delhi - 110052
38. Surender Kumar Chaudhary  
S/o Sh. P.L. Chandurary  
R/o Qtr. No.46, Sec.8  
R.K. Puram, New Delhi - 110022
39. Atul Kumar Sharma  
S/o Late Sh. Bhuvnesh Dutt Sharma  
R/o IIRM/132, Sec. 2, Rajendra Nagar  
Sahibabad, Distt. Ghaziabad (U.P.)
40. Saha Dev Singh S/o Late Sh. Khacheru Singh  
R/o R-168, HIG Complex, Sec.12  
Partap Vihar, Ghaziabad (UP)
41. Ravindra Kumar Tyagi  
S/o Late Sh. Shiv Raj Tyagi  
R/o 169, New Arya Nagar, Meerut Road  
Ghaziabad (U.P.)
42. Dasharath Singh Kushwaha S/o Jhuri Ram  
R/o 59G, Hastal, Uttam Nagar  
New Delhi-110059
43. Ranu Tanejs W/o Sh. Ashok Taneja  
R/o F. 123/27, Noida-201301
44. Rashmi Deep W/o Sh. Sundeep Dass  
R/o B-401, Mandakini Aptts., Sec.2  
Plot 3C, Dwarka, New Delhi-75



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45. Manisha Goel W/o Sh. Anuj Goel  
R/o J-41, Sector, Noida - 201301
46. Kanwar Sain S/o Sh. Sadhu Ram  
R/o A1/67/26, East Gokulpur  
Delhi - 110094
47. Rajiv Kulshreshtha  
S/o Sh. R.P. Kulshreshtha  
R/o CID-24, Kavi Nagar  
Ghaziabad (U.P.)-201002
48. Anil Kumar Gupta  
S/o Sh. Ram Narayan Gupta  
R/o D-7, Doordarshan Colony  
Viroj Khand-I, Gomti Nagar  
Lucknow
49. Bhargav Roy S/o Late Sh. Paritosh Roy  
R/o3, Hari Nagar, P.O. Indira Nagar  
Lucknow
50. Manoj Kumar Gupta S/o Sh. Bhagwati Prasad Gupta  
R/o C-47, Sector-CS Aliganj Housing Scheme  
Lucknow
51. Atma Ram S/o Sh. Sudhir Singh  
44, Sec. 42A, Chandigarh-160036
52. A.K. Singhal S/o Late Ramnath Singhal  
R/o 82/Pocket, B-6/Sector.5, Rohini  
Delhi-110085
53. R.K. Jain S/o B.S. Jain  
R/o D-10/15 Rohini Sector 8  
Delhi - 85
54. Mukesh Kumar Aggarwal  
S/o Radha Raman Aggarwal  
R/o 03, Vishweswariya Nagar  
Gopalpura Bye Pass, Jaipur
55. Rajiv Kumar Goyal  
S/o Late Ram Swaroop Goyal  
246, Patel Nagar, Isckon Road  
Mansarovar, Jaipur



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56. Cherian Reji S/o Late Sh. OPE Cherian  
R/o 879m Shanti Nagar, Durgapura  
Jaipur
57. Pradeep Kumar Kulshrestha  
S/o Late Sh. S.S. Kulshrestha  
R/o 68B, Ajmera Garden  
Kings Road, Ajmer Road  
Jaipur
58. Ajij Khan Pathan  
S/o Gaffar Khan Pathan  
R/o B-1/2, Doorarshan Staff Colony  
Jhalana Doongari, Jaipur
59. Ghanshyam Vijay  
S/o Purshottam Swaroop Vijay  
R/o 35, Krishna Nagar, Gopal Pura Bye Pass  
Jaipur
60. Madan Chand Bansal  
S/o Late Sh. Khyali Ram Bansal  
R/o 62/78, Pratap Nagar, Sanganer  
Jaipur
61. Ashok Kumar Tambi  
S/o Sh. Ram Nath Tambi  
R/o 258, Gayatri Nagar  
Maharani Farm, Durgapura  
Jaipur

.....Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary  
Ministry of Information and Broadcasting  
Govt. of India, Shastri Bhawan, New Delhi-110001
2. Prasar Bharati through  
Chief Executive Officer  
Prasar Bharti, PTI Building  
New Delhi - 110001

Director General  
Doordarshan, Doordarshan Kendra  
Doordarshan Bhawan  
Mandi House, Copernicus Marg, New Delhi



4. Director General  
All India Radio  
Akashwani Bhawan, Sansad Marg  
New Delhi.

.....Respondents

**ORDER(ORAL)**

**Shri G.George Paracken, M(J)**

According to the learned counsel for the applicant, this OA is squarely covered by an earlier order of this Tribunal dated 04.03.2013 in OA No.757/2012 (**Umesh Kumar & Ors. Vs. Union of India & Ors.**), wherein the following order has been passed:-

"2. This Original Application has been filed by the applicants against the in-action on the part of the respondents in not granting the benefit of 1<sup>st</sup> Financial Upgradation under Assured Career Progression Scheme (ACP for short) on completion of 12 years of service in the pay scale of Rs. 8000-13500/- by way of extending the benefit of judgment dated 07.09.2009 passed by the Patna Bench of this Tribunal in OA no.514/2002, upheld by the Hon'ble High Court of Patna vide judgment dated 25.08.2010 in CWJC no.6451/2010 and further upheld by the Hon'ble Apex Court in SLP No.CC-20212/2010 decided on 10.01.2011. The applicants have, therefore, filed this Original Application seeking the following relief(s):-

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to consider the case of the applicants for granting first financial upgradation under ACP Scheme on completion of 12 years of service in the grade of Rs.8000-13,500/- from due date and granting 2<sup>nd</sup> financial upgradation on completion of 24 years of service in the pay scale of Rs.10000-15200/- from due date with all consequential benefits including the fixation of pay and arrears of difference of





pay and allowances with interest, by way of extending the benefit of judgment dated 07.09.2009 passed by Hon'ble Patna Bench in OA No.514/2002.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the while action of the respondents not extending the benefit of judgment of Patna Bench to the applicants only for the reason that the applicants were not the party before the Patna Bench is illegal, arbitrary and discriminatory in the eyes of law.

(iii) Any other relied which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

3. We are of the considered view that this OA can be decided at the admission stage itself by directing the respondents to consider the case of the applicants in the light of the aforesaid judgment of the Patna Bench of this Tribunal in OA 514/2002 decided on 07.09.2009 as upheld by the Hon'ble High Court of Patna and the Apex Court. The relevant part of the said order of the Patna Bench of this Tribunal reads as under:-

"5. On perusal of this clarification given by the DOPT, Shri S.K. Tiwari, learned counsel for the respondents concedes that the up-gradation granted to the Engineering Assistants and the Sr. Engineering Assistants earlier have to be ignored while considering grant of ACP promotions to the applicants.

6. The next point which was argued by both the counsels was that if the applicants have to be granted ACP then what should be the scale in which they should be granted ACP. Both the sides agreed that since 6500-10500 is the pay scale of Assistant Engineer, the ACP promotion should be in the pay scale of the next post in the hierarchy i.e. the post of Assistant Executive Engineer i.e. Rs.8000-13500.

7. The learned counsel for the applicant also quotes from the DOPT circular dated



10.2.2000 mentioned earlier clarifying the points under ACP Scheme. In this order it has been clarified that the mobility under ACP is to be allowed under existing hierarchy.

8. After hearing both the counsels and after perusing the records, we have come to the conclusion that the applicants are entitled for grant of ACP promotion and this promotion should be granted in the pay scale of Assistant Executive Engineer i.e. Rs.8000-13500.

9. This O.A. is, therefore, allowed. The respondents are directed to grant the applicants the pay scale of Rs.8000-13500 as and when they have completed 12 years service in the pay scale of Rs.6500-10500. The arrears should also be paid to the applicants. The respondents are directed to issue orders regarding ACP promotion to the applicants within a period of two months from the date of receipt of a copy of this judgment. The arrears may be calculated and paid to them within one month thereafter.

10. With these directions, this OA stands disposed of. No costs."

4. In view of the above position, the respondents are directed to examine the case of the applicants and if it is found that they are covered by the decision of the Patna Bench (supra), they shall also be extended the same benefits as have been given to the applicants therein within a period of two months from the date of receipt of a copy of this order. However, if the respondents come to the conclusion that the applicants are not covered by the aforesaid order, they shall pass a speaking and reasoned order within the aforesaid period. In that case, the applicants will have the liberty to challenge the order so passed by appropriate proceedings. There shall be no order as to costs."



3. Learned counsel for the applicant has also submitted that the aforesaid order has been implemented by the respondents.

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4. In the above facts and circumstances of the case, we direct the respondents to examine the case of the applicant and if it is covered by the aforesaid order of this Tribunal, the same benefits shall be given to them. They shall also pass appropriate orders in this case under intimation to the Applicants within a period of two months from the date of receipt of a copy of this order.

5. With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

(Ashok Kumar)  
Member(A)

(G. George Paracken)  
Member(J)

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(Procedure Rules)  
प्रमाणित सत्यप्रतिलिपि  
CERTIFIED TRUE COPY  
दिनांक/Dated: 3-1-14  
अनुभाग अधिकारी (न्या.)  
Section Officer (J)  
केन्द्रीय प्रशासनिक अदालत  
Central Administrative Tribunal  
प्रधान न्यायापीठ, नई दिल्ली  
Principal Bench, New Delhi

