

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 39
O.A./2647/2022 (DELHI)
[UPGRADATION]
Court No.: 2

No of Adjournment: 3

Order Dated: 28/10/2022

**ASSOCIATION OF RADIO AND TELEVISION ENGINEERING EMPLOYEES ARTEE
THROUGH ITS PRESIDENT HARI GOPAL SHARMA
Vs
PRASAR BHARTI**

For Applicant(s) Advocate : Dr. Ashwani Bhardwaj

For Respondent(s) Advocate : Mr. B. S. Rawat

Order of The Tribunal

The applicants in the instant matter are aggrieved by Communication/Order dated 30.06.2022 bearing the following subject:-

"Clarification regarding refixation/recoveries on grant incorrect MACP."

Learned counsel for the applicants draws our attention to the order passed by the Hon'ble High Court of Delhi in W.P. (C) No. 8712/2018 pointing out that the impugned communication is in contravention to the position taken by the respondents before the Hon'ble High Court of Delhi in the aforesaid Writ Petition. He submits that the respondents have already started effecting recovery from the applicants and in case his prayer for interim relief is not allowed, the entire O.A. is likely to become infructuous, and also create complications by way of the claim of the applicants in future if they were to succeed in the same. He vehemently argues that his prayer for interim relief was heard on 26.09.2022, wherein the respondents were allowed adequate time to file a short reply which they failed to do. Thereafter, the case came up for hearing on 18.10.2022, further time of one week was granted to the respondents and today, they

are obliged to file a reply or to submit their arguments on appropriate instructions.

On the other hand, learned counsel for the respondents points out that the brief has been assigned to him very recently and today for the first time, he has put in appearance in the present matter, and accordingly, in all fairness seeks reasonable time to seek instruction to file the short reply.

While allowing learned counsel for the respondents four weeks' time to file reply to the O.A. and further two weeks, thereafter, to file rejoinder to the applicants, we have to take into consideration the fact that on two previous occasions, the issue has come up before us and we have not considered interim relief only on account of allowing fair opportunity to the respondents to responded to the same. We are of the considered view that in case, consequential action upon the impugned order is not stayed, the applicants' prayer in the O.A. may become infructuous. On the other hand, if action on the impugned communication is stayed, no prejudice is likely to be caused to the respondents. Accordingly, by way of the present Interim Order, the respondents are directed not to give effect to for any purpose whatsoever, to the impugned Communication No.16/15/2022-S.IV(B)237 dated 30.06.2022 till the next date of hearing.

It is further clarified that henceforth no recovery shall be effected from the applicants pursuant to the aforesaid Order, till the disposal of this O.A.

List the matter on 20.12.2022.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

/yaksh/