

Sanjiv Krishna Bariyar
ADVOCATE

PATNA HIGH COURT, PATNA
Vice President, CAT Bar Association
Patna Bench, Patna



Residence-cum-Office

Janta Road

(East-South of Jhun Jhun Mahal)

New Yarpur, Patna- 800 001

Mob.: 9934006585, 9334725992

To,

1. The Secretary, Ministry of I and B, Govt. of India,
'A' Wing, Shastri Bhawan, New Delhi-110001.
2. The Chief Executive Officer,
Prasar Bharti Secretariat, 2nd Floor, PTI Building,
Sansad Marg, New Delhi-110 001
3. The Director General,
All India Radio, Akashwani Bhawan,
Sansad Marg, New Delhi-110 001.
4. The Director General, Doordarshan,
Doordarshan Bhawan, Copernicus Marg, New Delhi-
5. The Additional Director General (E) (EZ),
AIR & Doordarshan, Akashvani Bhawan,
4th Floor, Eden Garden, Kolkata-700001
6. The Director, [E],
All India Radio, Patna-800001
7. The Deputy Director [E], DDK, Patna

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8. The Head of the Office/ the DDE,

Doordarshan Kendra, Muzaffarpur-842001

Subject- For compliance of order passed in MA No.
050/00217/2018[arising out of OA No. 050/00283/2018 filed
by B. K. Roy & others.

Sir,

This is to inform you that the Hon'ble Court after
hearing the aforementioned case, granted interim relief
against reversion of Pay Scale of the applicants.

Photocopy of interim order is hereby annexed for
your kind notice and necessary action in this regard.

Thanking you.

Dated 31.05.2018



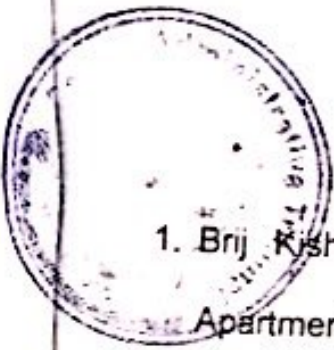
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PATNA BENCH, PATNA

(An application filed under section 19 of AT Act. 1985)

Filed through -
Rajiv Krishna Barion
- Advocate.

Regn. OA No. 0050/00 282018



1. Brij Kishore Roy, S/o late Langtu Roy, r/o CB-19, Biswas
Apartment, Christen Colony, Keshwa Lal Road, Lodipur, Patna-
800001


2. Harendra Kumar Mishra S/o late Adya Saran Mishra Resident
of Malviya Nagar, Sareya, Ward No. 4, Gopalganj-841428

3. Sudhanshu Kumar, S/O Late Kaleshwar Prasad, Resident of
Mohalla- Anishabad, P.S- Gardanibagh, District-Patna-800002


.....Applicants

Versus

1. Union of India through the Secretary, Ministry of I and B, Govt.
of India, 'A' Wing, Shastri Bhawan, New Delhi-110001.
2. The Secretary, Department of Personnel and Training, North

- 
4. The Director General, Directorate of All India Radio, Akashwari Bhawan, Sansad Marg, New Delhi-110 001.
 5. The Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi-110 001
 6. The Additional Director General(E) (EZ), AIR & Doordarshan, Akashvani Bhawan, 4th Floor, Eden Garden, Kolkata-700001
 7. The Additional Director General(Adm), Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi-110001
 8. The Deputy Director Administration(E), AIR, New Delhi-110001
 9. The Director, [E], All India Radio, Patna-800001
 10. The Deputy Director [E], DDK, Patna-800001.
 11. The Head of the Office/ the DDE, Doordarshan Kendra, Muzaffarpur-842001

.....Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

MA/050/00217/2018
[O.A./O50/00283/2018]

Date of orders : 17th May, 2018

CORAM

HON'BLE MRs. BIDISHA BANERJEE, MEMBER (J)

B.K.Roy and Others

.....applicant

By Advocate : Shri S.K.Bariar

Versus

The Union of India & Ors.

..... Respondents.

By Advocates: Mr. H.P.Singh for UOI.

ORDER [oral]

Per Bidisha Banerjee, Member [J]:-

The applicants in the present OA has challenged the order dated 05.03.2018 [Annexure-A/29] whereby and whereunder, in accordance with DG, AIR, New Delhi order dated 23.05.2017 & ADG [E/EZ], AIR & DD, Akashwani Bhawan, Kolkata order dated 30.05.2017, 1st ACPO granted to the applicants in the pay scale of Rs. 8000-13500 with effect from 15.05.2002, proposed to be withdrawn.

2. The applicants have submitted that in identical matters, Central Administrative Tribunal, Principal Bench had stayed the orders qua the applicants therein in OA No. 2095 of 2017, M.S. Sreekumar and Ors vs. Ministry of Information and Broadcasting, therefore, the applicants being on similar footing would deserve identical reliefs of stay of such withdrawal and

2-fixation order dated 05.03.2018.

3. Learned counsel for the respondents would vehemently oppose the prayer on the ground that the 1st MACP was wrongly granted to a scale which the applicants would never have achieved in normal course taking a leap from Rs. 6500-10500 to Rs. 8000-13500.

4. Learned counsel for the applicant dispelling the claim, would submit that such benefit was granted to the applicants after a duly constituted Screening Committee found them eligible and fit for grant of such ACP benefit, for having completed 12 years in the scale of Rs. 6500-10500 and in terms of OA 514/2002, MA 217/2012 and confirmed in CWJC No. 6451/2007.

Therefore, the respondents in the garb of administrative exercise, could not take away the benefit granted by Courts of Law in their attempt to sit over the said judgment and to rectify the alleged past errors. The proper course would have been to seek a review of the decisions from the Courts, and accordingly, to issue orders.

5. Learned counsel for the respondents would submit that there are several employees of the rank of the applicants situated throughout India out of which only 26 employees have been erroneously granted benefit in terms of directions in OA 514 of 2002.

7. Learned counsels were heard and the materials on record were perused.

8. Inasmuch as scale of Rs. 8000-13500 has been granted on the basis of mandatory directions in OA 514 of 2002, the challenge whereof before the



9. That apart, a communication issued way back on 04.11.2011, while implementing the order passed in OA 514/2002 reveals [↓]hat the Under Secretary, BA[E], Ministry of Information and Broadcasting clarified that why the ^{one of the} applicants in the OA 514/2002, was eligible for Rs. 8000-13500 as Senior Engineer Assistant. He was in the pre-revised scale of Rs. 5000-8000 under 5th CPC w.e.f. 01.01.1996 as applicable to EAS. Notional benefit fixation of pay was granted in the scale of Rs. 6500-10500 w.e.f. 01.11.1997. Additional benefit of arrears was granted in the form of difference of pay w.e.f. 01.11.1997 and upgraded pay of Rs. 7450-11500 as applicable to SEA, by exercising option ^{found} was made available. Therefore, the applicants were ^{found} entitled to the pay scale of Rs. 8000-13500 on completion of 12 years in the pre-revised scale of Rs. 2000-3200 w.e.f. 15.03.1986 [subsequently revised to Rs. 6500 w.e.f. 01.01.1996].

9. In the aforesaid backdrop, since the balance of convenience is heavily tilted in favour of the applicants, who are identically circumstanced, the order impugned in the present OA is stayed. List it for further hearing.

02-07.2018.

"True Copy"

*m*ps/-

Certified that this is a True and accurate copy of the Judgement / order as in the case file OA/RT/TA/CCPA/MR-TP No. 91/18 (OA 983/18) and that all the matter appearing therein legibly and faithfully orders with no modifications.

[Bidisha Banerjee]
Member (Judicial)

Dy. Registrar / Section Officer
Central Administrative Tribunal
Patna Bench, Patna