

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ON THE 5TH DAY OF APRIL, 2014

BEFORE

THE HON'BLE MR JUSTICE K L MANJUNATH

AND

THE HON'BLE MR JUSTICE RAVI MALIMATH

Writ Petition No. 4618 of 2013 (S-CAT)

BETWEEN:

1. UNION OF INDIA
THROUGH SECRETARY
MINISTRY OF INFORMATION
AND BROADCASTING
SHASTRI BHAVAN
NEW DELHI – 110 001
 2. THE DIRECTOR GENERAL
DOORDARSHAN
MANDI HOUSE
COPERNICUS MARG
NEW DELHI – 110 003
 3. THE DIRECTOR
DOORDARSHAN KENDRA
J C ROAD
BANGALORE – 560 006
- ... PETITIONERS

[By Sri M V Chandrashekara Reddy, Adv.]

AND:

1. N MANJUNATH
S/O LATE SH.G S NAGENDRA RAO
AGED ABOUT 57 YEARS
WORKING AS SOUND RECORDIST
DOORDARSHAN KENDRA
J C NAGAR

BANGALORE – 560 006
 R/O NO.34, AVALAHALLI MAIN
 GIRINAGAR 1ST PHASE
 BANGALORE – 560 085

2. B D NAGARAJ
 S/O LATE SH.B N DEVENDRAPPA
 AGED ABOUT 62 YEARS
 RETIRED SOUND RECORDIST
 DOORDARSHAN KENDRA
 J C NAGAR
 BANGALORE – 560 006
 R/O NO.1, 13TH MAIN ROAD
 JAGRUTHI COLONY
 PUTTENAHALLI
 7TH PHASE, J P NAGAR
 BANGALORE – 560 078

3. V GOVERDHAN SINGH
 S/O SH. VASUDEV SINGH
 AGED ABOUT 58 YEARS
 RETIRED SOUND RECORDIST
 DOORDARSHAN KENDRA
 J C NAGAR
 BANGALORE – 560 006
 R/O NO.1701, C-BLOCK
 SAHAKARANAGAR
 BANGALORE – 560 092

... RESPONDENTS

[By Sri N G Pnadke, Adv.]

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 10.09.2012 PASSED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH IN O.A. NO. 533/2011 VIDE ANNEXURE – C AND CONSEQUENTLY DISMISS THE ORIGINAL APPLICATION AND ETC.,

THIS PETITION COMING ON FOR HEARING, THIS DAY, **RAVI MALIMATH, J.**, MADE THE FOLLOWING:

ORDER

Aggrieved by the order dt.10.9.2012 passed by the CAT in O.A.NO.533/2011 allowing the O.A. and directing the respondents to grant 2nd ACP benefits to the Applicants and consequential reliefs, the respondents have filed the present petition.

2. The learned counsel for the petitioners contends that the impugned order is bad in law and liable to be set aside. That the Tribunal failed to consider the case of the petitions. The respondent defends the impugned order.

3. On hearing learned counsels, we are of the considered view that there is no merit in this petition. On considering the contentions advanced, the Tribunal took note of the fact that the reply filed by the petitioners herein they have not denied the facts. In fact they have admitted that there is a disparity in granting benefits under ACP scheme to the Sound Recordists and that the 2nd

respondent has already sent a communication vide Annexure-R1 stating that it has been decided to remove the disparity in granting the benefits under ACP Scheme in the Department. However what was denied was the liability to pay any interest on the consequential amount of arrears.

4. In view of the reply filed by the respondents therein, the O.A. was allowed. The respondents were directed to grant 2nd ACP to the Applicants w.e.f. 9.8.1999 in the pay scale Rs.8000-275-13.500/- and to fix their pay accordingly and to pay the arrears within 90 days from the date of receipt of the order. The prayer for payment of interest was rejected.

5. Under these circumstances, when there was an admission by the respondents therein with regard to the grant of the benefits, no fault could be found with the order of the Tribunal. Since the order is virtually a consent order it cannot be now faulted. Even then no interest was awarded. Under these circumstances the order of the

Tribunal is in accordance with the facts as well as the admission made by the respondents.

6. Consequently, the petition devoid of merit is dismissed.

Rule discharged.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

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