

**Central Administrative Tribunal
Principal Bench**

OA No.4191/2013

New Delhi, this the 28th day of January, 2015

Hon'ble Mr. A.K. Bhardwaj, Member (J)

Hon'ble Mr. Shekhar Agarwal, Member (A)

1. Anil Kumar Sharma, S/o Late Shri Atmaram Sharma,
B-164, Pocket-2, Kendriya Vihar-2, Sector-82,
NOIDA-201304.
2. Girish Kumar, S/o Shri Hriday Narain Lal,
H.No.928, Type-IV Sector-12,
S.K. Puram, New Delhi-110022.
3. Dilip Kumar, S/o Sh. Mathura Prasad Srivastava,
M-3/13, Shiksha Appt. Sector-6,
Vasundhra, Ghaziabad-201012.
4. Rakesh Kumar Sharma,
S/o Late Shri Janak Raj Sharma,
Flat No.92 Raj Vihar CGHS Ltd. Plot No.13,
Sector No.13, Sector No.18, Dwarka.
5. Rajiv Kumar Mittal, S/o Sh. Bhupinder Kumar Mittal,
H.No.29 Raj Nagar, PO, Shakur Besti,
Pitampura, Delhi-110034.
6. Ajay Kumar Jaiswal, S/o Shri Shyam Lal Jaiswal,
HC 4/12, Lajpat Appt. Nagar Sahibabad.
7. Praveen Kumar, S/o Late Sh. J.P. Maheshwari,
D 185 Govind Puram, Ghaziabad.
8. Ms. Raj Sharma, S/o Sh. N.C. Sharma,
A-30, Pandara Road, New Delhi.
9. Ira Upreti, S/o Laqte Sh. G.B. Tewari,
E-510, M.S. Appt. KG Marg,
New Delhi.
10. D.K. Saini, S/o Shri S.C., Saini,
D-201, Niho Seottish Garden,
Ahinsakhand-2, Indrapuram,
Ghaziabad.
11. Prabhu Dutt Sharma, S/o Shri N.D.S. Acharya,
913, Sector 37 Arun Vihar,
NOIDA-201303.

12. Kamlesh Sharma, S/o Shri V.V. Sharma,
106, Akashdarshan Apartments,
Mayur Vihar PH-I,
Delhi-110091.
13. Hans Kumar Singh, S/o Sh. Bechai Singh,
17-D/622, Vasundhara,
Ghaziabad-U.P.-201012.
14. Brahm Singh, S/o Shri Budh Singh,
D-630, Gali No.03, Diwan Complex,
Harsh Vihar Delhi-110093.
15. Sushil Kumar, S/o Sh. Laxman Singh,
B-166, MIG DDA Flat Fast of Loni Road,
Shahdara, Delhi-93.
16. Anil Khandewal
S/o Sh. Mohan Lal Khandelwal,
569, Sector-IV, R.K. Puram, New Delhi.22
17. B.C. Kandpal
s/o Late Sh. M.R. Kandpal
House No. 333, Sector-12 R.K.
New Delhi-22.
18. Harvinder Kaur Arora
s/o Shri Survinder Singh Saluja
B-22/2 1st Floor Double Story
Ramesh Nagar, Delhi.
19. Rajendra Kumar Ruhela
s/o Sh. Rajbal Singh
783, Sector-3, Vasundhra,
Ghaziabad, UP-201012.
20. Sanjeev Datta
s/o Late Sh. A.K. Datta
D-8/11, Radio Colony,
Kingsway, Delhi-9.
21. Arvind Kumar,
s/o Late Sh. J.B. Sharma
B-14 Greenview Apartment,
Plot No.33, Sector-9,
Rohini-Delhi.
22. Balagovindan Nair
s/o Late Sh. P.G.R. Nair
42, Shubham Apartment, 37, I.P.
Extn. Patparganj, Delhi.

23. Sunil Kumar Sharma
s/o Sh. NS Sharma
A 336 Palam Vihar Gurgaon HR.
24. A.S. Dhiman
s/o Sh. P.S. Dhiman
P-73 B, Pandav Nagar,
Mayur Vihar, Phase-1, Delhi
25. Alok Saxena
s/o Late Sh. Naresh Kumar
JD-18-E/C, 3rd Floor, Khirki Extn.
Malviya Nagar, New Delhi-110017.
26. Anil Kumar
s/o Sh. Ved Prakash Sharma
B-72 A North Chhajjupur,
Shahadra, Delhi-110034.
27. Ajay Sharma
s/o Sh. Shyam Sunder Sharma
D-8/10, Radio Colony, Kingsway Camp,
Delhi-110009.
28. Anil Kumar Pathak
s/o Sh. Ramprakash Pathak
K2-3rd, Floor, Malviya Nagar,
New Delhi-110017.
29. S.K. Verma
s/o Sh. R.G. Verma
117, Akashdarshan Apartment,
Mayur Vihar Phase-1,
Delhi-110091.
30. Ram Vir Sharma
s/o Late Shri Kanhaaiyalal Sharma
B-11, Pocket-1, KV-2, Sector-82, Noida.
31. K.M. Chaurasia
s/o Late Sh. M.R. Chaurasia
490, Type-4, Sector-3,
R.K. Puram, New Delhi-110022.
32. K.K. Taneja
s/o Shri S.P. Taneja
D-213, Vivek Vihar,
Sector-82, Noida
33. Katar Singh
s/o Sh. Singh,
B-360, Patel Nagar-II,
Ghaziabad-201001.

34. Jeetender Kumar
s/o Sh. Ram Kumar
432/15, Krishna Colony,
Chouri Gali, Jind (Haryana)-126102
35. Navratan Singh
s/o Late Shri Birbal Singh
1/225, Rakshapuram,
Mawana Road, Meerut.
36. Dayanand Mishra
s/o Shri Moti Mishra
175-C, Regent, Shipra Sun City
Indrapuram, Ghaziabad-201014.
37. Gopal Kumar Gupta
s/o Shri K.M. Gupta
27/36, Gali No.9,
Vishwas Nagar,
Shahadra-Delhi-110032.
38. Vigyan Chandra Gupta
s/o Shri S.P. Gupta
C-951, Shushant Lok-1,
Gurgaon-122009.
39. Mohindeep Singh Rana
s/o Late Shri Jagmohan Singh
H-2/20 Shiksha Apartment,
Sector 6, Vasundhra, Ghaziabad.
40. Ram Shankar
s/o Late Shri Ram Lochan
B-11/204, Shalimar Garden
Ext-2 Sahibabad (UP).

.....Applicants

(By Advocate: Dr. Ashwani Bhardwaj)

Versus

1. Union of India
Through the Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan, Dr. R.P. Marg,
New Delhi.
2. The Director General,
All India Radio, Akashvani Bhawan,
Sansad Marg, New Delhi-110 001.

.....Respondents

(By Advocate: Shri Sameer Aggarwal and Shri S.M. Arif)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

The prayer made in the OA is for issuance of directions to the respondents to grant financial upgradation under ACP Scheme. For easy reference, the prayer clause is reproduced hereinbelow :-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 19.10.2012 (colly) (Annex.A/1), declaring to the effect that the same is illegal, arbitrary and discriminatory and consequently, pass an order directing the respondents to consider the case of the applicants for granting first financial up-gradation under ACP Scheme on completion of 12 years of service in the grade of Rs.8000-13,500/- from due date and granting 2nd financial up-gradation 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 whole action of the respondents not extending the benefit of judgment of Patna Bench is illegal, arbitrary and discriminatory in the eyes of law.
- (iii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants.”

2. The learned counsels for the parties are ad idem that the issue involved in the present OA is in all fours of the order dated 07.09.2009 passed by the Patna Bench of this Tribunal in OA No.514/2002 titled Akashwani & Doordarshan Diploma Engineers Association through its President Vs. UOI & Ors. The operative part of the said order reads thus:-

“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 O.A. stands disposed. No costs.”

3. In view of the stand taken by the learned counsel for respondents, the OA is disposed of with a direction to the respondents to extend the aforementioned benefits to the applicants herein as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

(A.K. Bhardwaj)
Member (J)