

Friends,

The much awaited order of CAT, Patna Bench in OA No. 350/2013 filed by 3 applicants (Sh. H.K.Mishra, Sh. Sudhanshu Kumar and Sh. Manoranjan Kumar) of main OA No. 514/2002 is now with us which is attached hereunder. The judgment was passed on 31.01.2014 and the repercussion of this order is as mentioned below:

1. The order has one discrepancy in the mention of date of introduction of ACP Scheme by Govt. of India which is mentioned as 09.08.1998 in place of actual date of 09.08.1999. The applicants therein shall make application to the CAT for its correction.
2. The judgment pertains to only 3 applicants in OA No. 350/2014. The applicants who have already been granted 1st ACP wef 01.01.2008 have been allowed the benefit of grant of ACP from the actual dates counting 12/24 years of regular service from their initial appointment, in place of counting it from 01.01.1996.
3. Since the OA has not been decided on merit, the benefit allowed to the 3 applicants as mentioned above is not of general nature and shall not be *suo motu* applicable to rest of applicants either in main OA No.514/2002 (5 applicants who have been allowed wef 01.01.2008 and 3 applicants who have not been allowed at all) or other applicants in so many other decided cases by CAT, Delhi, unless and until Ministry of I&B turns to be so generous of its own sweet will which is simply believing in unbelievable..
4. The unlawful conditionality being imposed by Screening Committee of Ministry of I&B that one has to have drawn in the pay scale of Rs 6500-10500 some time to become eligible for grant of benefits of ACP (by which SEAs as on 01.01.1996 have become ineligible) has remained unresolved in OA No.350/2014 also as the matter did not pertain to the 3 applicants in the OA. It is again on the sweet will of the Ministry of I&B to relax this condition *suo motu* or refuse to do so.
5. In OA No. 4462/2013 titled UADEE v/s UOI and OA No.305/2014 titled Neeraj Tirker v/s UOI, we have not only demanded extension of benefits of the order dated 07.09.2009 in OA No.514/2002 in ACP case to all but also have challenged the two unlawful and obnoxious conditions of the Screening Committee of the Ministry of I&B for grant of benefits of the ACP Scheme:
 - a. That it will count 12 years of regular service wef 01.01.1996 and will give 1st ACP only wef 01.01.2008 or after.
 - b. That one has to have drawn in the pay scale of Rs 6500-10500 some time to become eligible for grant of benefits of ACP (by which SEAs as on 01.01.1996 have been made ineligible).

18.02.2014

Ram Shanker, AE (Rtd)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PATNA BENCH, PATNA

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

Regn OA No. 350 / 2013

1. Harendra Kumar Mishra S/O Adya Saran Mishra Resident of DDK Patna, P.O -G.P.O, P.S – Kotwali, Dist- Patna.
2. Sudhanshu Kumar, S/O Late Kaleshwar Prasad, Resident of Mohalla-Anishabad, P.S- Gardanibagh, District-Patna
3. Manoranjan Kumar, son of Rangu Lal, resident of-Qr No.140, A P Colony, Gaya

.....Applicants

Versus

1. The Secretary , Ministry of I & B, Sharstri Bhawan, New Delhi.
2. The Chief Executive Officer, Prasar Bharti, Prasar Bharati Secretariat, 2nd Floor, PTI Building, Sansad Marg, New Delhi.
3. The Joint Secretary(B) , Ministry of I & B, Sharstri Bhawan, New Delhi.
4. The Director General , AIR, Akashwani Bhawan , Sansad Marg, New Delhi.
5. The Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
6. The Additional Director General(Adm), Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
7. The Director, DDK, Chhajubagh, Patna
8. The Secretary → Department of Personnel and Training, Govt of India
New Delhi.Respondents

31.01.2014

Shri S.K.Bariar, Id. Counsel for the applicant.
Shri P. Kashyap, Id. ASC for the respondents.

Heard learned counsel for both the sides.

2 MA/050/00085/2014 has been filed by the applicant for adding the Secretary, Department of Personnel and Training, Govt. of India, New Delhi as respondent no. 8. Prayer allowed.

3 This OA has been filed by the applicant for granting benefit of ACP under scheme notified vide OM dated 08.09.1998. The contention of the applicant is that some other persons came before the Tribunal in OA 514 of 2002 wherein the Tribunal directed the respondents to grant benefit under ACP scheme to the applicant on completion of 12 years of service. The order of the Tribunal was challenged by the respondents before the Hon'ble High Court. The Hon'ble Court upheld the order of the Tribunal. Thereafter, the respondents filed SLP before the Hon'ble Supreme Court, which was dismissed. Then respondents granted ACP to all the applicants w.e.f. 01.01.2008. The grievance of the applicants is that 12 years service should have been counted from the date of first entry in the service.

4 Learned counsel for the applicant submits that in the case of another applicant in the earlier OA namely Shri B.K.Roy, on his representation, the respondents issued amended order allowing ACP benefit from the date of entry in the service. The representations of the applicants are still pending. He further submits that applicants will be satisfied at this stage if a direction is given to the respondents to consider the representations of the applicants in light of order passed in Shri



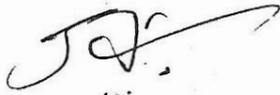
B.K.Roy's case..

4 Learned counsel for the respondents submits that W.S. is under vetting. However, if any order is passed by the Tribunal, the case of the applicants shall be considered by the respondents as per law/rules.

5 Considering the submissions made by learned counsel for the rival parties, we dispose of this OA, without expressing any opinion on the merit of the case, with direction to the respondents to consider the representations of the applicants as per ACP Scheme dated 08.09.1998 and in light of order passed in the case of Shri B.K.Roy treating this OA as additional representation within a period of three months from the date of receipt/production of a copy of this order.

6 The applicant is directed to submit a copy of this order and a copy of the OA with its annexures to the concerned respondent within a period of fifteen days from the date of receipt of certified copy of this order.

7 No costs.



[S. K. Pattnaik]
Member (J)

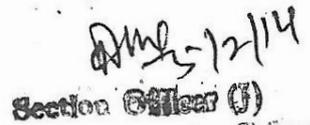
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True Copy



[A. K. Jain]
Member (A)

certified that this is a true and accurate copy of
document/order in case No. OA/RA/TVA/01
OA/PT No. 09350/13 and all the matter
appearing therein is true and faithful


Section Officer (J)

Central Administrative Tribunal
Date: _____ Page: _____

