

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA-3035/2015
MA-2667/2015**

New Delhi, this the 08th day of August, 2018

Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. A.K. Bishnoi, Member(A)

1. Association of Radio & Television Engineering Employees, through its President Sh. Umesh Chandra, Aged-54 years, S/o Sh. Abhay Ram Sharma, Room No. 542, Akashwani Bhawan, New Delhi-I, R/o G-119, Sanjay Nagar, Sec-23, Ghaziabad-201002.
2. Anup Kumar Katiyar, Aged-51 years, S/o Sh. Pramod Kumar Katiyar, Working as Sr. Tech., in DD DTH Todapur, Delhi, R/o C-4/4 Radio Colony, Kingsway Camp, Delhi-110009. ... Applicants

(through Sh. Yogesh Sharma)

versus

1. Union of India, through the Secretary, Ministry of Information and Broadcasting, Govt. of India, Shastri Bhawan, New Delhi-110001.
2. Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi-110001.
3. The ADG(E)(North Zone), Akashwani & Doordarshan Jamnagar House, Shahjhan Road, New Delhi. ... Respondents

(through Sh. Rajeev Sharma for R-1 and Sh. G.S. Virk for R- 2 and 3)

ORDER(ORAL)**Hon'ble Sh. V. Ajay Kumar, Member(J)**

Heard both sides. MA No. 2667/2015 filed for joining together is allowed.

2. The first applicant, the Association of Radio & Television Engineering Employees represented by its President and the second applicant, a Senior Technician under respondent no. 2 - All India Radio, jointly filed the OA seeking the following reliefs:

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the against the order dt. 20.07.2015 as well as letter dated 18.03.2015 referred in order dated 20.07.2015 (A/1) declaring to the effect that the same are illegal, unjust and arbitrary and consequently the applicants are entitled for all the consequential benefits of 3rd MACPS including restoration of pay and the refund of recovered amount if any in compliance of impugned orders with interest.

(ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

3. In short, it is the case of the 2nd applicant that the respondents have granted the 3rd MACP benefit to him after completion of twenty years counted from the date of his first promotion. However, vide impugned Annexure A/1 (corrigendum) order no. 44/2015 dated 20.07.2015, respondents have withdrawn the earlier order of granting the 3rd MACP benefit. In the said order, name of the second applicant was also shown along with so many others on the ground that the 3rd MACP benefit was to be granted to the applicant and other employees not after the completion of twenty years of service from the first promotion but only after completion of thirty years from the date of initial appointment.

4. On 14.08.2015, while issuing notices, this Tribunal directed the respondents not to effect any recoveries in pursuance of the impugned orders.

5. When this matter is taken up for hearing, it is submitted by both the counsel that Full Bench of this Tribunal in OA No. 1288/2014 by judgment dated 25.03.2016 in Smt. Manju Vashistha & Ors. vs. Union of India & Ors. considered the

same issue and held that the benefit of 3rd upgradation under MACP Scheme is to be given after completion of twenty years counted from the date of promotion of the employees. It is also submitted that the said decision of the Tribunal was upheld by the Hon'ble High Court of Delhi in WP(C) No. 11826/2016 dated 03.02.2017 in Union of India & Ors. vs. Manju Vashistha & Ors. It is also submitted that though SLP vide Diary No. 28485/2017 has been filed by the Union of India & Ors. before the Hon'ble Supreme Court, but till date no notice has been issued and that no stay has been granted against the order of this Tribunal in the Full Bench decision in the case of Smt. Manju Vashistha & Ors. vs. Union of India & Ors.

6. In the circumstances and for parity of reasons, this OA is also allowed with all consequential benefits in terms of the Full Bench decision of this Tribunal in OA No. 1288/2014 dated 20.03.2016 in Smt. Manju Vashistha & Ors. vs. Union of India & Ors. However, the same is subject to the result of SLP filed before Hon'ble Apex Court vide Diary number 28485/2017 in Union of India & Ors. versus Smt. Manju Vashistha. The respondents shall complete the necessary exercise within three months from the date of receipt of a certified copy of this order. No costs.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/