

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/001808/2018

DATED THIS THE 31ST DAY OF JANUARY, 2020

HON'BLE DR.K.B.SURESH ...**MEMBER(J)**
HON'BLE SHRI C.V. SANKAR ...**MEMBER(A)**

A.G. Gopal Rajan,
Aged about 57 years,
Assistant/ Accountant
All India Radio, Super Power Transmitter
Office at Yelahanka New Town,
Bengaluru-560064.Applicant.

(By Advocate Shri N. Obalappa)

Vs.

1.The Union of India,
Rep. by its Secretary,
Ministry of Information and Broadcasting,
'A' Wing, Shastry Bhavan,
New Delhi – 110 001.

2.The Union of India,
Rep. by its Secretary,
Ministry of Personnel, Pensions &
Public Grievances, North Block,
New Delhi – 110 001.

3.The Chief Executive Officer
Prasar Bharati, II Floor,
PTI Building, Parliament Street,
New Delhi – 110 001.

4.The Director General,
All India Radio, Akashvani Bhavan,
Parliament Street,
New Delhi – 110 001.

5.The Director General,
Doordarshan, Doordarshan Bhavan,
Copernicus Marg,
New Delhi – 110 001.

6.The Dy. Director General(E) /Head of Office,
Doordarshan Kendra, J.C. Nagar,
Bengaluru-560006.

7.The Dy. Director General(E) /Head of Office,
All India Radio,
Hassan-573201.

8.The Dy. Director General(E)
Super Power Transmitter
All India Radio,
Yelahanka New Town,
Bengaluru-560064. ...Respondents

(By Shri M. V. Rao, Standing Counsel for the Respondents)

ORDER (ORAL)

HON'BLE DR.K.B.SURESH ...**MEMBER(J)**

We heard the matter. Apparently the applicant was granted, admitted by the applicant also, the 2nd ACP by a mistaken interpretation of a direction issued that after 24 years, ACP is to be granted. Therefore on 23.01.2009 he became the recipient of that. By then on 01.09.2008 MACP had come into force and he was not fit.

2. It does not end there. Even then he was granted the 3rd MACP also. Now the applicant contends that on the basis of White Washer's Judgment that cannot be recovered from him. But it has come out that he was the Accountant, who was in-charge. Hon'ble Apex Court held that White Washer's Judgment does not apply

to those who had juncture in grant of such wrong payment. It appears *prima facie* that the applicant had a role in it. Therefore, he may not be eligible to contend at this stage that it cannot be recovered from him. However, we make it clear that it can be recovered in instalments from him, so that livelihood and life is not unduly threatened.

3. OA is therefore dismissed. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/001808/2018

Annexure A1: Copy of Pay fixation statement dated 15.10.1990.

Annexure A2: Copy of DOPT OM dated 09.8.1999 of ACP Scheme.

Annexure A3: Copy of Pay fixation dated 22.01.2009 for 2nd ACP from 23.01.2009.

Annexure A4: Copy of DOPT OM dated 19.5.2009 of MACP Scheme.

Annexure A5: Copy of Fin. Min OM dated 13.11.2009

Annexure A6: Copy of DOPT OM dated 09.09.2010.

Annexure A7: Copy of Pay fixation statement dated 06.2.2012 revising the 1st and 2nd ACP order.

Annexure A8: Copy of the citation of OA.1003/PB/2011 of CAT Chandigarh Bench.

Annexure A9: Copy of Promotion Order dated 23.4.2015.

Annexure A10: Copy of order dated 01.8.2017 in OA.2/2017.

Annexure A11: Copy of representation dated 01.9.2017.

Annexure A12: Copy of standard Pay Scales from 4th to 7th CPC.

Annexures referred to by the respondents

Annexure R1: Copy of DOPT order dated 10.09.2013 .

Annexure R2: Copy of order dated 28.09.2015 .

Annexure R3: Copy of letter dated 29.3.2019 .

Annexures referred to in the rejoinder

Annexure A13: Copy of re-fixation of Pay dated 14.06.2.2019 along with due drawn statement

Annexure A14: Copy of this Tribunal's order dated 18.01.2019 in OA.399/2018.
