

(75)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP No.154/2003  
in  
OA No.322/2001  
with  
MA No.1006/2015**

New Delhi, this the 21<sup>st</sup> day of April, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. P. K. Basu, Member (A)**

1. Doordarshan Programme Professionals Union (Regd.)  
A-4/J-10, Navbharat Apartment,  
Paschim Vihar,  
Delhi 110 063.
2. Shri Madan Mohan  
S/o Shri R. L. Sharma  
R/o A-4/10, Navbharat Apartment,  
Paschim Vihar, Delhi 110 063.

-Applicants

(By Advocate: Shri M. K. Bhardwaj)

-V E R S U S-

1. Shri Pawan Chopra  
Secretary  
Ministry of Information & Broadcasting  
Shastri Bhawan,  
New Delhi 110 001.
2. Shri S. Y. Kureshi  
Director General, Doordarshan,  
Doordarshan Bhawan,  
Mandi House,  
New Delhi.

-Respondents.

(By Advocate : Shri Sameer Agrawal for respondent No.1.  
Shri Rajeev Sharma for respondent Nos.2 & 3)

**O R D E R** (Oral)

**Justice Permod Kohli, Chairman:**

Vide judgment dated 05.12.2002 passed in OA No.322/2001,  
following directions were issued:-

"9. In the facts and circumstances brought out in the preceding paragraphs, we find force and merit in the OA which is allowed. The respondents are directed to hold a meeting of the Screening Committee for the grant of the second financial upgradation under the ACP scheme to those among the applicants who have already been granted the first financial upgradation, and both the financial upgradations together to those of them who have not been



promoted at all in spite of completing 24 years of service. This the respondents shall do within a period of three months from the date of receipt of a copy of this order. We order accordingly.  
No costs."

2. In compliance to these directions, the Director General, Doordarshan passed order dated 18.12.2015 granting benefit of 1<sup>st</sup> and 2<sup>nd</sup> ACP, as also 3<sup>rd</sup> financial upgradation (MACP) to the applicant. Since actual financial benefit emanating from the aforesaid order had not been released, this Application remained pending.

3. Today, Shri Rajeev Sharma, learned counsel for respondent Nos.2 & 3 has produced copy of an order dated 19.04.2016 passed by the Director General, Doordarshan indicating therein that in the absence of authenticated list of members of DPPU, an undertaking is to be obtained from each claimant that he was a member of DPPU at the time of filing of the OA, and the payment shall be released on receipt of such undertaking.

4. Shri M. K. Bhardwaj, learned counsel appearing for the applicant submits that this amounts to imposing additional condition for implementation of the judgment, which is impermissible.

5. We do not agree with the submissions of learned counsel for the applicant. The financial benefits have to be released to the rightful claimant. The Original Application having been filed on behalf of the Association, it becomes imperative that the benefit of the judgment should accrue only to the members of the Association. It is for this purpose, the respondents have passed the order dated 19.04.2016 for obtaining an undertaking from the claimants to release the actual monetary benefit. It does not amount to imposing any further condition over and above the judgment passed by this Tribunal. As a matter of

fact, the applicant should not object to such an undertaking being asked for.

6. Shri Bhardwaj has also produced a copy of the order dated 12.02.2016 whereby 3<sup>rd</sup> financial upgradation under the MACP Scheme granted vide order dated 18.12.2015 has been withdrawn. According to him, once the order dated 18.12.2015 passed in compliance of the Tribunal's direction stands withdrawn, the respondents are in further contempt of the court.

7. We have carefully gone through the directions of this Tribunal contained in the order dated 05.12.2002, as also the order dated 18.12.2015. It is noticed that vide the judgment of this Tribunal only ACP benefit was allowed to the applicants which *inter alia* does not include the benefit under MACP Scheme. Vide order dated 18.12.2015, the respondents seem to have granted the 3<sup>rd</sup> financial upgradation to the applicants under the MACP Scheme, which was not intended to by the aforesaid judgment.

8. Under these circumstances, if an error in the order dated 18.12.2015 has been rectified vide order dated 12.02.2016, we do not find any infirmity in the same, nor violation of the order of this Tribunal.

9. In view of the last order dated 19.04.2016, this Application is disposed of permitting the respondents to obtain undertaking from the beneficiaries (Members of DPPU) for purposes for release of monetary benefits flowing from the judgment of this Tribunal. However, the entire exercise shall be completed within a period of four weeks from the date of receipt of the aforesaid undertaking by each claimant. Shri Bhardwaj submits that the undertaking would be filed by the claimants within a



counsel or by some officials of the department. With these observations, CP stands disposed of.

**MA No.1006/2015.**

In view of the aforesaid order, no further directions are required to be passed in this MA. It is disposed of accordingly.

  
(P. K. Basu)  
Member (A)

  
(Permod Kohli)  
Chairman

/pj/