

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01132/2019

DATED THIS THE 23rd DAY OF MARCH, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Kumaraswami V.Menedal
Aged 65 years (Retd)
r/o House No.28/2 D
Amareshwar Nilaya, Ward No.16
Behind Taluka Office
Basaveshwara Nagar
Gadag-582101.

....Applicant

(By Advocate Shri K.Sreeram)

Vs.

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

2. The Chief Executive Officer
Prasar Bharati, I "C" Tower
Doordarshan Bhavan
Copernicus Marg, Mandi House
New Delhi - 110 001.

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

4. The Station Director/Head of Office
All India Radio
Dharwad-580008.

.....Respondents

(By Advocate Shri N.Amaresh)

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. Call for records leading for not granting the 2nd Act in hierarchical the pay scale of Rs.10000-15200 with Grade Pay of Rs.6600/- w.e.f. 27.10.2007 and call for the reasons for not counting the full qualifying service and decline to grant 3rd MACP with Grade Pay of Rs.7600/- w.e.f. 27.10.2013 vide Annexure A-17 dated 19.5.2009.
- ii. To quash to the pay fixation order No.Dha.10(2)2012/S dated 15.11.2012, Annexure-A22 (impugned order) and pay fixation order No.Dha.10(2)2014/S dated 28.5.2014 Annexure-A26 (impugned order) which are incorrect and liable to be set aside.
- iii. To direct the respondents to grant 2nd ACP w.e.f. 27.10.2007 with grade pay of Rs.6600/- and 3rd MACP w.e.f. 27.10.2013 with grade pay of Rs.7600/- in view of the Hon'ble CFD Court order dated 17.1.2004 at Annexure-A15 and vide Annexure-A18 dated:22.06.2009 and reification of pay statement dated 15.07.2009 (Impugned order) and vide clarification No.6/1/2013-S-VIII/402 dated

04.09.2013 Annexure-A24 (impugned order).

- iv. Pass any other order or direction that this Hon'ble Tribunal may deem fit and necessary in the facts and circumstances of the present case and in the interest of justice and equity, including the order as to the cost.

2. At the very outset, Shri K.Sreeram, learned counsel for the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 27.10.2017, on which no decision has been taken by the respondents upto today. He further submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation within a time frame.

3. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to respondent No.3 to decide the applicant's pending representation dated 27.10.2017 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two(2) months from the date of receipt of a certified copy of this order.

5. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/