

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.636/2015

Reserved on:13.08.2021
Pronounced on: 24.08.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Om Prakash son of Shri Bhagi Lal, aged about 54 years, Resident of 382, Vinoba Vihar, Near Jaipur Cambridge Academy, Model Town, Jagatpura, Jaipur (Presently working as Programme Executive, Doordarshan Kendra, Jhalana Doongri, Jaipur
...Applicant.

(By Advocate: Shri Dinesh Kumar Mishra)

Versus

1. The Director General; Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
2. The Director General, All India Radio, Akashvani Bhawan, Parliament Stree, New Delhi.
3. The Chief Executive Officer, Prasar Bharti, PTI Building, Parliament Stree, New Delhi.
4. The Director, Doordarshan Kendra, Jhalana Doongri, Jaipur.

...Respondents.

(By Advocate: Shri Rajendra Vaish)

ORDER

Per: Dinesh Sharma, Member (A):

In this OA, the applicant has prayed for allowing him all such financial benefits without interruption, which has been

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given to other similarly placed officers and which has not been granted to him.

2. During the pendency of the OA, the respondents filed an MA (429/2017) appending an order wherein they have granted the 3rd MACP to the applicant w.e.f 22.11.2014 and praying for dismissing the OA as infructuous. The applicant objected to it and stated that the other similarly situated officers were granted this Grade Pay w.e.f. 01.09.2008.

3. When the matter came up for final hearing on 13.08.2021 we were informed that by a recent order, dated 29.07.2021, the respondents have granted the 3rd MACP to the applicant w.e.f 01.09.2008. Since this, *prima facie*, amounts to accepting the prayers made by the applicant in this OA, we directed the respondents to file and supply a copy of this order to the applicant's counsel. This was duly done. On receipt of this copy, the counsel for the applicant has fairly submitted that though this does amount to accepting the applicant's prayers, the applicant had to suffer for 6 long years. The order should be given effect, in real, before the date of his retirement, due on 31.08.2021, and his pensionary benefits should be worked out with reference to the newly fixed pay.

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4. We have gone through the order dated 29th July, 2021, which we now allow to be taken on record. This order, *prima facie*, accepts the prayer of the applicant. It gives effect to the grant of Grade Pay of Rs.5400, as 3rd MACP, w.e.f. 01.09.2008, as done in other cases, and thus meets the prayer of the applicant in this OA. We cannot take it to mean anything other than what it says and cannot presume that the effect of this order will be any less real than what it says. The Paragraph-3 of this order states that the order is subject to post audit and recovery in lump sum consequent to any audit objection. Paragraph-5 makes the order subject to the outcome of pending litigations (one of these being the present OA, which can be ignored) before this Tribunal. There can be no objection to such conditions since, again, it would be presumptuous on our part to forecast any adverse outcome on audit or to prejudge the outcome of other litigations.

5. In the light of the submissions made by the learned counsels of both the parties, we dispose of this OA with a direction to the respondents to implement their own order dated 29th July, 2021, as expeditiously as possible, so that their employee gets his rightful dues, as accepted by them, as early as possible. Any delay, beyond 6 months after the receipt of these orders, would entitle the applicant for interest @ 6% for

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the delayed payment of benefits granted under these orders.

No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/