

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1221 of 2002

FRIDAY, THIS THE 25th DAY OF OCTOBER, 2002

HON. MR. S. JHA, MEMBER-A

HON. MR. A. K. BHATNAGAR, MEMBER-J

Govind Gupta, son of late Ganga Prasad Gupta,  
retired Assistant Director, song and Drama Division,  
Allahabad, resident of D-43, Soochna Apartments,  
Vasundhara Enclave, Delhi. .... Applicat.

\* Counsel for the applicant:-Shri D.K.Singh

Versus

1. Union of India through its Secretary,  
Ministry of Broadcasting, Shastri Bhawan,  
New Delhi- 110001.

2. The Director, Song and Drama Division,  
New Delhi.

3. Sri Prem Matiyani, Director Song and Drama  
Division, New Delhi Soochna Bhawan,  
New Delhi. .... Respondents.

*Jawab* AD  
Counsel for the respondents:-Shri R.C.Joshi

O R D E R

HON.MR. S. JHA, MEMBER-A

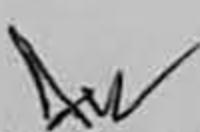
The applicant has approached this Tribunal for  
directions being given to the respondents to allow him  
the financial upgradation in the pay scale of Rs.

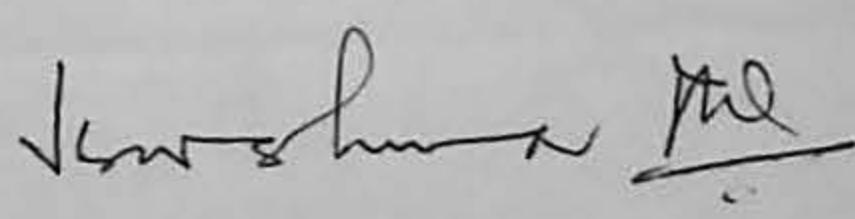
Rs. 10,000-15,200 under ACP scheme w.e.f. 9-8-1999 with all consequential benefits. It transpires that the applicant had approached this Tribunal earlier also vide OA NO. 791 of 2001 which was decided by this Tribunal on 10th July, 2001 with directions to the respondents to decide the representation of the applicant dated the 12th March, 2001 on this subject within two months from the date of receipt of a copy of the said order alongwith a copy of the said representation by issuing a reasoned and speaking order. The respondents have, accordingly, complying with the orders of the Tribunal, issued a reply/order dated the 9th January, 2002 address<sup>ed</sup> to the applicant (placed at page 75 of the OA). On perusal of this order of the respondents it appears that, while they have endeavour<sup>ed</sup> to give some details about what action they have taken in the matter of giving financial upgradation to the applicant under the ACP scheme, they have not given the reasons<sup>why</sup> while the findings of the DPC have been kept in sealed cover. There are definite instructions about the circumstances under which the findings/recommendations of a DPC are kept in sealed cover. These instructions do not seem to have been referred to while giving this

*Ansawati* *AK*

reply to the applicant. That being the case this reply appears to be incomplete and cryptic.

2. The respondents are, therefore, directed to reconsider the matter and also look into this ~~Original Application~~<sup>a</sup>, treating it as ~~representation~~, and issue a speaking, ~~one~~ complete and reasoned order as per law and with reference to the rules/instructions on the subject including the subject matter of keeping the recommendations/findings of a DPC in sealed cover. The respondents shall ensure that their reply in the matter ~~should be~~ issued within a period of three months from the date of receipt /production of a copy of this order. In case the applicant is not satisfied with the disposal of the matter by the respondents, as directed above, he shall be at liberty to approach this Tribunal again for seeking redressal of his grievance. With this the D.A ~~shall~~ stands disposed of.

  
Member-C

  
Member-A

madhu/