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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

O.A. 1207 of 2002

Date of order : 10.2.04

Present : Hon'ble Mr. B. N. Som, Vice-Chairman
Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman

Jayaram Dalai,
S/o Late Nari Dalai,
Qr. No. H-330, A.G. Colony, Unit-IV
Bhubaneswar.

Vs

1. Union of India represented through
Pr, A-G.(A&E), Orissa,
Bhubaneswar
2. Sr. D.A.G. (Admn.),
O/o Pr. A.G. (A&E), Orissa,
Bhubaneswar.

For the applicant : Mr. S. N. Mishra, Counsel

For the respondents : Mr. S. Behera, Counsel

ORDER

Per Justice B. Panigrahi, VC:

Heard the 1d. counsel appearing for the applicant and the 1d. counsel appearing for the respondents.

2. The sole grievance of the applicant is that he was denied ACP benefit w.e.f. 9.8.99 only on the ground of pendency of CBI case before the Special Judge, Bhubaneswar in T.R.No. 34/12 of 99/92 u/s 120B/420/468/471 IPC and Sec. 5(2) of P.C. Act, 1947.
3. On perusal of the grounds stated by the respondents it appears that they have denied such benefit to the applicant because authenticated copy of the order of the judgement passed in the

aforesaid case was not received by them. Therefore, they could not take a decision with regard to grant or refusal of the ACP benefit to the applicant.

4. Ld. counsel appearing for the applicant, however, submits that the authenticated copy of the judgement was received by the respondents on 10.5.2000. Even then the DPC could not be constituted as a result whereof the applicant was denied his due benefit. Ld. counsel has also pointed out that the respondents have also taken a ground that a disciplinary proceeding was also initiated against the applicant for which he could not be considered for grant of ACP benefit. Ld. counsel contends that as on 9.8.99, no disciplinary proceeding was pending against the applicant and the CBI case was also decided exonerating the applicant of the charge. In such circumstances, there was no reason why the applicant should not be granted ACP benefit from the date it was due to him.

5. In the aforesaid background, we find that there is no justification in withholding the ACP benefit to the applicant. Accordingly, we hereby direct the respondent authorities to convene a review DPC meeting and to consider the applicant's case as to whether he could be granted ACP benefit with effect from 9.8.99, within four months from the date of communication of this order.

6. With the above direction, the application stands disposed of. No costs.



VICE-CHAIRMAN (A)



VICE-CHAIRMAN (J).