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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.448 OF 2007
Cuttack, this the ^{13th} Day of November, 2007

Manas Ranjan Nayak..... Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? *-No-*

2. Whether it be circulated to all the Benches of the Central *-No-*
Administrative Tribunal or not?


(G. SHANTAPPA)
MEMBER(J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 448 OF 2007

Cuttack, this the 13th Day of November, 2007

CORAM:

HON'BLE SHRI G. SHANTAPPA, MEMBER(J)

.....

IN THE CASE OF:

Manas Ranjan Nayak, aged about 42 years, Son of Trilokya Nath Nayak, presently working as Programme Executive (Incharge) in All India Radio, Berhampur, Orissa.

..... Applicant

By the Advocate(s) M/s. D.P. Dhalsamanta
P.K. Behera

Vs.

1. Union of India represented through the Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi-1
2. Chief Executive Officer, Prasar Bharati, prasar Bharati Secretariat, 2nd Floor, P.T.I. Building, Parliament Street, New Delhi.
3. Director General, All India Radio, Akashvani Bhawan, Parliament Street, New Delhi-1.
4. Assistant Station Director, Prasar Bharati Broadcasting Corporation of India, Commercial Broadcasting Service, All India Radio, Cuttack.
5. Assistant Station Director, Prasar Bharati Broadcasting Corporation of India, All India Radio, Berhampur, Orissa.

..... **Respondent(s)**

By the Advocate(s)..... Mr B. Dash.

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O R D E R

SHRI G. SHANTAPPA, MEMBER(J)

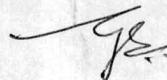
I Heard Shri D.P. Dhalsmant, Ld. Counsel for the applicant. Shri B. Dash, Ld. Counsel for the Respondents is directed to take notice for the respondents and accordingly he is directed to file Appearance Memo in the Registry.

2. The Above application is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief's: -

“ The O.A. be allowed. The order dated 22/27.03.06 under Annexure-A/4 be quashed. The Respondents may be directed to allow the applicant to draw the salary attached to the post of Programme Executive from 25.02.06 onwards. The respondents may be directed to clear up the arrear differential pay immanating from the aforesaid pay scales.”

3. With the consent of the Ld. Counsels for either side the case is taken up today for final dispose, since the request of the applicant for restoration of his pay in the pay scale of Programme Executive with reference Annexure-A/5 was not considered in accordance with the Judgement of the Central Administrative Tribunal, Circuit Court at Ranchi.

4. The Ld. Counsel for the applicant submits that the applicant joined the Respondents Office as Transmission Executive on 20.09.1991 and subsequently promoted to the post of programme Executive on 25.02.2005 vide Directorate's order No.17/2005-SI(B),

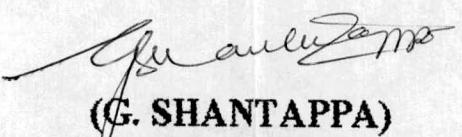


dated 25.02.2005 and accordingly his scale of pay enhanced from (Rs.6500-200-10500/-) to (Rs.7500-250-12000). However, all of a sudden the applicant has been reverted to the earlier post on 24.02.2006, without prior notice, and his scale of pay was reduced to the substantive post. A similar issue is pending before the C.A.T., Madras Bench in O.A. No.453/06 and interim order has been granted. The Ld. Counsel for the applicant submits that the C.A.T. Circuit Bench at Ranchi has also allowed the application in O.A. No.141/06 (Pat) dated 15.01.06. The Ld. Counsel for the applicant submits that similar order has already been issued by other Benches of C.A.T. Therefore, the same is applicable to the Applicant.

5. Without going to the merits of the case I direct the Respondents to consider the representation of the applicant at Annexure-A/5 dated 11.07.07 and Annexure-A/6 dated 11.09.07. The Ld. Counsel for the Respondents submits that for issue of direction to decide the representations in accordance with the orders of C.A.T. Ranchi Bench which is referred above and to decide the representation in accordance with the rules for that they have no objection. Accordingly, I consider the submission made by the Ld. Counsel for the Respondents. I direct the Respondents to consider the representation of the applicant and also the averments made in the O.A and to consider the case of the applicant in accordance with rules and also the C.A.T. Circuit Court at Ranchi in O.A. No.141/06 (Pat) dated 15.01.06 in the case of Atmeshwar Jha & Others Vs. Union of India & Others. The applicant is also directed to supply a copy of the said order of C.A.T. to the respondents for enable them to consider his case.

[Signature]

6. With the above observation I dispose of the O.A at the admission stage. Respondents are directed to consider the case of the applicant as directed above and to pass considered and reasoned order as observed in the earlier Para, and communicate the same to the applicant, within a period of 03 months from the date of receipt of the copy of this order.


(G. SHANTAPPA)
MEMBER(J)

Kalpeswar