

7

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 382 OF 2008
CUTTACK, THIS THE ~~13th~~ DAY OF OCTOBER, 2009


Bholanath Sahoo & Ors.....Applicants


Vrs.

Union of India & OrsRespondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?


(C.R. MOHAPATRA)
MEMBER (ADMN.)


(K. THANKAPPAN)
MEMBER (JUDL.)

8

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CORAM :

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)
HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

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1. Bholanath Sahoo, aged about 57 years, Son of Late Charan Sahoo, Resident of Village/PO: Khanda Sahi, P.S. Kakatpur, Dist. Puri. At present Sound recordist, Doordarshan Kendra, Bhubaneswar-751005, Dist:Khurda.
2. Udaya Kankar Das, aged about 59 years, Son of late Banchhanidhi Das, Resident of Village; Gadabari Nagar, Berhampur, Dist:Ganjam, At present Sound Recordist, Doordarshan Kendra, Bhubneswar-751005, Dist. Khurda.
3. Biswa Ranjan Choudhury, aged about 49 years, S/o Lingaraj Choudhury, At:A/L-25, Bhimatangi, Bhubaneswar-751002, At present: Sound Recordist, Doordarshan Kendra, Bhubaneswar-751005, Dist: Khurda.

...Applicants

By the Advocates – Mr. D.K.Mohanty.


-Versus-

1. Union of India, represented through its Secretary, Ministry of Information and Broadcasting. Govt. of India, Shastri Bhawan, New Delhi-110001.
2. Director General, Doordarshan, Copernicus Marg, Mandi House, New Delhi-110001.
3. The Director, Doordarshan Kendra, Chandrasekharpur, Sainik School, Bhubaneswar-751005, Dist. Khurda.

...Respondents

By the Advocates - Mr. U.B.Mohapatra

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ORDER**SHRI JUSTICE K.THANKAPPAN, MEMBER (J):-**

The applicants (three in number), working as Sound Recordists in the Doordarshan Kendra, Bhubaneswar, have filed this O.A. as their representations for granting financial upgradation under Assured Career Progression Scheme (A.C.P.) as commenced from 1999 has been rejected by order dated 30.05.2008.

2. The applicants' case is that they have completed service of 12 and 24 years in the respective grade and as per the provisions of the Assured Career Progression Scheme, they are entitled for the 1st and 2nd financial upgradations for which they had filed representations which has been now rejected by the impugned order.

3. The O.A. has been admitted by this Tribunal and in pursuance to the notice issued, a counter statement has also filed for and on behalf of the Respondents, to which a rejoinder has also been filed by the applicants.

4. We have heard the Ld. Counsel for the parties in detail and perused the materials placed on record.



10

5. From the contentions raised in this O.A., the question raised to be decided in this O.A. is no more res integra, in view of orders passed by the C.A.T., Bombay Bench in O.A. Nos. 923/03 and 279 and 282/04. In the above orders, the C.A.T. Bombay Bench has held that the Sound Recordists are entitled for the ACP benefit scheme. It is also brought to our notice that the orders of the Bombay Bench of the Tribunal having been appealed of in Writ Petition No. 9345/05, the Hon'ble High Court of Bombay has dismissed the said Writ Petition by confirming the order passed by the CAT, Bombay Bench. It has also been brought on record that against the order of the Hon'ble High Court of Bombay, the Special Leave Application No. C.C. 10427/07 filed before the Hon'ble Apex Court has also been dismissed confirming the order passed by the Hon'ble High Court of Bombay.

6. In the above circumstances, we allow this O.A. with direction to Respondents to consider the case of the applicant and to pass appropriate orders, within a reasonable time, at any rate, within three months from the date of receipt of a copy of this order and in effect we quash the impugned Annexure -A/6 dated 30.05.2008.



11

7. The O.A. is allowed to the extent indicated above.

No costs.


~~MEMBER (ADMN.)~~

L. K. Appuy
MEMBER (JUDL.)

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