

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A No. 151 of 2011

Biswa Ranjan Choudhury & Ors .... Applicant

Vs

UIO & Ors. .... Respondents

.....

Order dated -30-08-2011.

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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Heard Learned Counsel for both sides and perused the material placed on record. The prayer of the Applicants in this OA is to quash the order of rejection under Annexure-A/5 dated 25.02.2011 and to direct the Respondents to give him the financial up gradation under ACP in the scale of pay of Rs.7450-225-11,500/- and Rs.7550-250-12000/- by modifying the order No. 18/2010-SI (A) dated 07.12.2010(Annexure-A/2). This matter came up on 23.08.2011 and on being questioned where is the order of rejection in respect of Applicant Nos. 2&3 Learned Counsel appearing for the Applicants sought time to annex the order of rejection in respect of the Applicant Nos.2&3. Hence while the matter was fixed to 30.08.2011 Mr. S.Barik, Learned ASC who appeared for the Respondents was advised to obtain instruction on the matter.

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2. Accordingly this matter has been listed today. Despite opportunity, copy of the order of rejection similar to Annexure-A/5 which relates to Applicant No.1 has not been filed. Mr. Barik, Learned ASC has also not placed on record if any instruction meanwhile obtained by him. However, Mr. Patnaik, Learned Counsel appearing for the Applicants by placing copy of the order in OA No. 382 of 2008 (Bholanath Sahoo and others V UOI and Others) of this Tribunal has prayed that since the present grievance is covered by the above OA, this OA may be disposed of with direction to the Respondents to consider the case of the applicant in the light of the earlier decision of this Tribunal in OA No. 382 of 2008 and pass a reasoned order within a stipulated period. Mr. Barik, Learned ASC did not raise any objection to the above request of the Applicants. We also feel that no prejudice would be caused to any of the parties in case this OA is disposed of with the above direction. Full text of the earlier order of this Tribunal in OA No. 382 of 2008 is extracted herein below:

“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 1<sup>st</sup> and 2<sup>nd</sup>

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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.

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.

7. The O.A. is allowed to the extent indicated above. No costs."

3. In view of the above, without going to the merit of the matter this OA is disposed of with direction to the Respondents to examine the case of the applicant in the light of the decision of this Tribunal in earlier OA No. 382 of 2088 and communicate the out come


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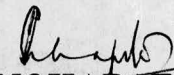


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of such examination/decision in a well reasoned order to each of the applicants within a period of 120 days from the date of receipt of copy

of this order. No costs.

  
(A.K. PATNAIK)  
Member (Judl.)

  
(C.R. MOHAPATRA)  
Member (Admn.)

