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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O. A. NO.201 OF 2012

Cuttack, this the 20th day of October, 2014

Pradip Choudhury..... Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be referred to PB for circulation?

(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)



CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O. A. NO.201 OF 2012

Cuttack, this the 20th day of October, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

Shri Pradip Choudhury,
aged about 51 years, S/o. Late Pijush Choudhury,
Resident of Chandrasekharpur, Housing Board, Phase-I,
HIG-616, Bhubaneswar-751016,
At present working as Junior Engineer (Civil),
Office of the Executive Engineer (Civil),
Civil Construction Wing, All India Radio, P.O-Sainik School,
Bhubaneswar-751005, Odisha.

...Applicant
(Advocates: M/s. K.C. Kanungo, Ms. C. Padhi, R.C. Behera)

VERSUS

Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Information & Broad Casting,
'A' Wing, Shastri Bhawan,
New Delhi-110001.
2. Chief Engineer (Civil),
Office of Directorate General (Civil Construction Wing),
All India Radio, Prasar Bharati
(Broad Casting Corporation of India),
6th Floor, Soochana Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.
3. The Superintending Engineer (Civil),
Civil Constructions Wing,
All India Radio, Doordarshan Bhawan,
4th Floor, Golf Green,
P.O.-Lake Gardens, Kolkata-700095,
West Bengal.
4. Executive Engineer (Civil),
Civil Construction Wing,
All India Radio, P.O-Sainik School,
Bhubaneswar, Dist-Khurda, Odisha.

(Advocate: Mr. D.K. Behera)

... Respondents

ORDER (Oral)

A.K.PATNAIK, MEMBER (J):

The prayer of the applicant in this O.A. is to direct the Respondent No.1 to extend the benefit of 2nd financial up gradation to the applicant under ACP Scheme appropriately fixing/placing the applicant in PB-III (Rs.15,600-39,100/-) with grade pay of Rs.6,600/- with effect from 05.08.2008 to pay him the arrears out of pay revision/fixation of pay to be calculated with effect from 05.08.2008 till actually paid for the ends of justice and further to direct the Respondents to pay interest on the arrears of pay revision/fixation of pay to be calculated with effect from 05.08.2008 till actually paid.

2. Respondents have filed their counter elaborating the factual aspects of the matter.

3. Heard Shri K.C. Kanungo, Learned Counsel for the applicant and Shri D.K. Behera, Learned Additional CGSC appearing for the Respondents. Mr. Kanungo undertakes to file a Memo in course of the day stating therein that the applicant has already filed an undertaking before the Respondent-Department for getting the benefit of 2nd ACP as has been granted to others. Shri Behera has no objection to the above.

4. In the counter the Respondents have also candidly stated that they will consider grant of 2nd ACP to JEs in CCW as and when the requisite undertaking is received from those qualifying for 2nd ACP including the Petitioner and as stated by the Learned Counsel for the Applicant, the applicant has already furnished the undertaking as required by the Respondents in the light of the undertaking furnished by others.

Alka

5. In view of the above this O.A. is disposed of with direction to the Respondents to grant the applicant 2nd ACP on the same terms and conditions based on which 2nd ACP was granted to other similarly situated employees based on their undertakings within a period of 45 days from the date of receipt of copy of this order. There shall be no order as to costs.

(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B./C.M.