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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**OA No. 260/0000106/14
Cuttack, this the 4th day of March, 2014**

CORAM

**HON'BLE MR.A.K.PATNAIK, MEMBER(JUDL.)
HON'BLE MR. R.C.MISRA, MEMBER (ADMN.)**

.....

Shri Laxmdhar Das, aged about 54 years,
S/o. Sri Krupasindhu Das, At-Routrapur, PO. -Durgadevi,
Via-Mitrapur, Dist.-Balasore,
Presently working as Diesel Technician High Power Transmitter,
Doordarshan, Tulsipur

....Applicant

(Advocate(s)-Mr. D.P. Dhalsamant)

-VERSUS-

Union of India Represented through

1. Secretary, Ministry of Information and Broadcasting,
Shastri Bhawan, New Delhi.110001
2. Prasar Bharati, (Broadcasting Corporation of India)
Represented through Chief Executive Officer,
PTI Building, Parliament Street, New Delhi-110001
3. Director General, Doordarshan, Mandi House,
Copernicus Marg, New Delhi-110001.
4. Chief Engineer (E.Z.) AIR & Doordarshan,
4th Floor, Akashbani Bhawan,
Eden Garden, Kolkata,700001
5. Additional Director General (E) (EZ),
All India Radio & Doordarshan,
Akashbani Bhawan, Eden Garden, Kolkata,700001
6. Deputy Director General,
Doordarshan Kendra, Chandrasekharpur,
P.O.-Sainik School, Bhubaneswar, Dist-Khurda,751005
7. Asst. Director (Engg.),
Doordarshan High Power Transmitter,
Doordarshan Kendra, Tulsipur, Dist-Cuttack,753008

.....Respondents

(Advocate (s) - Mr. S. Barik)



O R D E R (Oral)

A.K.PATNAIK, MEMBER (JUDL.):

The Applicant (Laxmidhar Das) who is working as Diesel Technician High Power Transmitter, Doordarshan Tulsipur has filed this Original Application alleging that though he is entitled to second financial up gradation under MACP w.e.f. 25.03.2011 till date he has not been granted the said benefits and accordingly in this OA he has prayed for direction to the Respondents more particularly Respondent Nos.3 & 4 to grant him the second financial up gradation under MACP w.e.f. 25.03.2011 with all consequential service benefits.

2. Copy of this OA has been served on Mr. S. Barik, Learned Additional CGSC for the Union of India who accepts notice for the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. D. P. Dhalsamanta, Learned Counsel for the Applicant and Mr. S. Barik, Learned Additional CGSC appearing for the Respondents and perused the records.

3. Learned Counsel for the applicant submits that as per the MACP scheme, it is the duty of the authority concerned to grant the financial up gradation on time to allow the employee concerned to tide over the financial crisis faced due to stagnation. In this context, by placing reliance on the letters dated 27.7.2012 and 06.12.2012 and the representations dated 19.8.2013 and 18.12.2013 it has been contended by him that despite the above till date he has neither been granted the financial up gradation to which he is entitled to nor has he been communicated any reply.

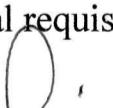
4. On being asked, Mr. Barik has fairly submitted that he has no immediate instruction of the action taken for grant of the financial up



gradation after receipt of the ACRs/CCRs of the applicant as revealed from the letters dated 27.7.2012 and 06.12.2012 and the fate of representations stated to have been submitted by the applicant.

5. Be that as it may, if the applicant is otherwise eligible/entitled to financial up gradation under MACP there is no reason not to grant the same especially when the very aim and object of the scheme is to tide over ~~demoralisation~~ ^l the ~~financial crisis~~ faced by an employee due to stagnation. Since it is the positive case of the applicant that the mater is lying with Respondent No.3 who is the competent authority to grant the benefit and since it is the case of the applicant that he has submitted representations on 19.8.2013 and 18.12.2013 but has not yet received any reply we do not find any reason to admit this OA at this stage. Hence, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.3 to consider the case of the applicant for grant of second financial up gradation under MACP, strictly in accordance with rules and communicate the decision to the applicant in a well reasoned order within a period of 60(sixty) days from the date of receipt of copy of this order. It is also made clear that upon such consideration if it is decided that the applicant is entitled to the benefit the same may be paid to him within another period of sixty days from the date of such order. There shall be no order as to costs.

6. As prayed for by Mr. Dhalsamanta, Learned Counsel for the Applicant, copy of this order be sent to Respondent No.3 by speed post at the cost of the applicant for which Mr. Dhalsamanta undertakes to furnish the postal requisite within two days hence.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judicial)