

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 126 of 2012

Friday, this the 4th day of January, 2013

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

H.R. Kamala, aged 59 years,
D/o. H.R.V. Rangachar, Programme Executive,
Doordarshan Kendra, Thiruvananthapuram, residing at
D-10-II, Doordarshan Staff Quarters, Kudappanakkunnu PO,
Thiruvananthapuram-695 043.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. The Director General,
Doordarshan Bhavan, Prasar Bharati
Corporation of India, Copernicus Marg,
New Delhi-110 001.
2. The Pay & Accounts Officer, IRLA Group,
New Delhi A.G.C.R., Building, Doordarsan,
Indra Prastha Estate, New Delhi-110 001.

Respondents

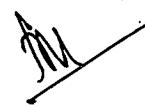
**[By Advocate – Mr. N.N. Sugunapalan, Sr.
Mr. S. Sujin]**

This application having been heard on 04.01.2012, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice P.R. Raman, Judicial Member-

The applicant was appointed as Programme Executive through Union Public Service Commission on and with effect from 19.7.1988 in the scale of Rs. 2000-3500/- . While so the applicant was kept under suspension from 13.3.1992 till 11.4.2004 the date on which he was dismissed from service on



charges of corruption. Ultimately the case went in acquittal and the applicant was reinstated in service. Annexure A1 the order by which the applicant was reinstated in service. Following Annexure A1 order the respondents passed Annexure A2 also granting the pay and allowances due for the period under which the applicant was kept out of service less what is paid by way of subsistence allowance. Thus the entire disciplinary action became honest in law. According to the applicant in such circumstances applicant is entitled for the ACP benefits on completion of 12 years with effect from 19.7.1988 i.e. on 19.7.2000 and also for MACP on completion of 20 years which fell due on 1.9.2008. Since ACP and MACP benefits were not paid applicant has approached this Court by filing the present OA.

2. This case was posted on number of occasions so as to enable the respondents to file counter if they are objecting to the reliefs sought for. No counter is filed. Therefore, the facts as stated in the OA is not refuted and stands as proved. Things as they stand, it can be clearly stated that on the entire disciplinary action having been set aside and the applicant reinstated in service the whole proceedings initiated in the meantime becomes honest in law. Therefore, the service has to be treated as continuous and the applicant will be deemed to be in service through out the period when he was kept out of service because of the disciplinary action. If so, the entire period is liable to be counted for reckoning the 12 and 20 years of service completing for ACP and MACP benefits respectively. We declare the same. Accordingly, the respondents are directed to calculate the amount due to the applicant and pay the same as expeditiously as possible at any rate within a period of three



months.

3. Original Application is allowed as above. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
C.P(C) No.65/13 in O.A.No.126/12
Thursday, this the 1st day of August, 2013**

C O R A M :

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

H.R Kamala
D/o.H.R.V Rangachar
Programme Executive (Retired)
Thiruvananthapuram
Residing at: D-10-II
Doordarshan Staff Quarters
Kudappanakunnu P.O
Thiruvananthapuram – 695 043

... **Applicant**

(By Advocate Mr. T.C.Govindaswamy)

v e r s u s

Shri.Tripurari Sharan
Director General
Doordarshan
Prasar Bharathi (Broadcasting
Corporation of India)
Doordarshan Bhavan
Mandi House, Copernicus Marg
New Delhi – 110 001

... **Respondent**

(By Advocate Mr.N.N.Sugunapalan,Sr with Mr.S Sujin)

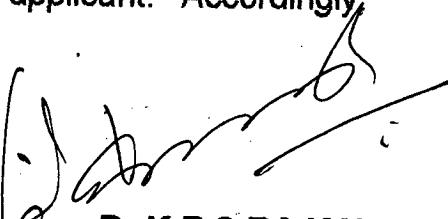
This application having been heard on 1st August 2013 this Tribunal
on the same day delivered the following :-

ORDER

BY HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

By virtue of an order dated 11.07.2013, the Order of this Tribunal
has been complied with by granting MACP to the applicant. Accordingly,
this Contempt Petition is closed.


**K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER**


**Dr.K.B.S.RAJAN
JUDICIAL MEMBER**

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