

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL


14.05.2009

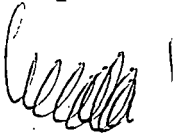
OA No. 258/2008

Mr. Vineet Dixit, Proxy counsel for
Mr. Sunit Khandelwal, Counsel for applicant.
Mr. Kunal Rawat, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the
OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 14th May, 2009

ORIGINAL APPLICATION NO. 258/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Vaid Prakash Dhar son of Late Shri J.N. Dhar aged about 56 years, resident of 80/156, Patel Marg, Mansarovar Patel Marg, Mansarovar, Jaipur. Presently working as Sound Recordist at Doordarshan Kendra, Jhalana Doongri, Jaipur.

.....APPLICANT

(By Advocate: Mr. Vineet Dixit proxy to Sumit Khandelwal)

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi.
2. The Director General, Doordarshan, Doordarshan Bhawan, Mandi House, New Delhi.
3. The Director Doordarshan Kendra, Jaipur.

.....RESPONDENTS

(By Advocate : Mr. Kunal Rawat, Sr. Standing Counsel)

ORDER (ORAL)

The applicant has filed this OA thereby praying for quashing the order dated 20.06.2008 (Annexure A/1) whereby the representation of the applicant for grant of benefit of ACP Scheme in respect of Sound Recordist was rejected on the ground that the benefit of ACP has been extended to Sound Recordist of Doordarshan Kendra of Mumbai in pursuant to the judgement rendered by the CAT Mumbai Bench as well as the decision rendered by the Hon'ble High Court of Mumbai in the Writ Petition and the case of the applicant is not covered by that judgment as the judgment(s) rendered by the Mumbai Bench is not applicable to the Sound Recordist of other units. It is this order, which is challenged before this Tribunal.


2. The respondents have filed their reply thereby justifying their stand on the basis of reasoning given in the impugned order.

3. The applicant has filed rejoinder thereby annexing the copy of the order dated 17.10.2008 passed in pursuance of the Directorate General, Doordarshan, New Delhi Office order No. 59/2008-SI(A) dated 29.9.2008 whereby the benefit of ACP has been extended to the Sound Recordist of Hyderabad Kendra and also the judgment of the Principal Bench of the Tribunal in the case of **Surender Nath Koul & Other vs. Union of India & Others** [OA No. 1157/2008] decided on 04.02.2009 whereby the applicant was held entitled to the benefit of ACP Scheme. This decision taken vide Annexure A-1 that benefit has been extended only to the Sound Recordist of Bombay unit cannot be accepted.

4. In view of what has been stated above, we are of the view that it is a case which requires reconsideration by the higher authorities as the person similarly situated cannot be discriminated in the matter of grant of ACP whereby such benefit has been extended to different units whereas the applicant who is similarly situated has not been treated similarly. Accordingly, Respondent no. 2 i.e. the Director General Doordarshan Kendra, New Delhi, is directed to treat this petition as representation and dispose of the same within a period of three months from the date of receipt of a copy of this order by passing a reasoned and speaking order. It is made clear that in case the applicant is aggrieved by the order to be passed by the respondent no. 2, it shall be open for him to challenge the same by filing appropriate application.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ