

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.4246/2012

New Delhi this the 16th day of December, 2016

Hon'ble Dr. K.B. Suresh, Member (J)

Hon'ble Mr. K.N. Shrivastava, Member (A)

Shri Ram Niwas,
Ex-Conductor,
S/o Late Shri Chandan Singh,
Conductor Badge No.9778,
576, E-Block, Gali No.17,
East Gokulpur, Harijan Basti,
Delhi-110 093

- Applicant

(Applicant in person and Ms Kusum Kashyap for Mr. Sebastian)

Versus

The Chairman,
Delhi Transport Corporation,
DTC Headquarters,
IP Estate, New Delhi-110 002

- Respondent

(By Advocate: Ms. Ruchira Gupta)

ORDER (Oral)

Dr. K.B. Suresh, Member (J):

Heard.

2. The applicant is prayed for grant of ACP/MACP benefits. He was appointed in the year 1977 and superannuated in the year 2008. Apparently, in the year 1977, he was granted promotion as Assistant Traffic Inspector, which was later recalled and he was reverted in the year 2009, against which he had challenged and lost throughout up to the Hon'ble Apex Court and in the Hon'ble Apex Court, he withdraw his SLP with a prayer that he be allowed to file a comprehensive representation, which the Hon'ble Apex Court was pleased to grant and in accordance with it, he had filed a comprehensive application on 28.02.2011, which was disposed of in 2011 itself.

3. Now, the issue relating to the matter is squarely covered by the decision of the judicial bodies up to the Hon'ble Apex Court. The case of the respondents is that the applicant had been unauthorizedly absent for a total of 1742 days and this being one of the limbs of the consideration for grant of ACP/MACP, the same cannot be extended to him for this reason alone.

4. Since the learned counsel for the applicant was consistently not present, with the help of learned counsel Mr. G.D. Bhandari and others, we have elicited the views of the applicant, who was personally present and heard him also, but what has been stated above, he was unable to state any more, though he stated that he has medical problem now. That will not be a reason by itself to grant any such benefit as ACP/MACP. When a consistent lacunae was noticed, as absent for 1742 days, will entail, the respondent was right to deny these benefits to the applicant and the elements of consideration are present. In the consideration of various authorities, when the matter went to the Hon'ble Apex Court in SLP, the same has been settled. Therefore, there is no merit in the OA and the same is accordingly dismissed. No costs.

(K.N. Shrivastava)
Member (A)

(Dr. K.B. Suresh)
Member (J)

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