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O.A.No-350/440/2018

AN APPLICATION :

Under Section 19 of the Administrative Tribunals Act, 1985

BETWEEN

MR. TAPAN KUMAR DAS
son of Sisir Kumar Das,
working as Engineering Helper
in the office of Dy. Director General (Program)
All India Radio, 2nd floor
Akashvani Bhavan, Kolkata- 700001
Presently residing at Amtala, Adarshapally
Baruipur Road, South 24 Parganas
Permanently residing at Village: Ererah,
P.O. Simulia, District: Murshidabad
PIN: 713132

.....Petitioner / Applicant

AND

1. Union of India through the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi - 110001
2. Chief Executive Officer,
Prasar Bharti Secretariat
Prasar Bharati House, 7th Floor,
Copernicus Marg
New Delhi - 110001
3. Director General
All India Radio,
Akashvani Bhavan, Parliament Street
New Delhi - 110001
4. Additional Director General (Engineering) (EZ)
(Previously Chief Engineer (East Zone),
All India Radio & Doordarshan,
Akashvani Bhavan, 4th floor
Kolkata - 700001

WC

5. Station Director/ Dy. Director General (Program)
All India Radio/ Prasar Bharti
Akashvani Bhavan, 2nd floor
Kolkata - 700001

6. Sr. Administrative Officer for Station Director,
All India Radio,
Akashvani Bhavan, 2nd floor
Kolkata - 700001

..... Respondents

7. Sri Swapan Kumar Das
Son of Late Surja Kumar Das
Working as Helper
All India Radio,
Akashvani Bhavan, Kolkata- 700001
Residing at Village & Post: Nasarkuli
District: Nadia

8. Sri. Dipak Kumar Das,
Son of Late Banomali Das
Working as Farash
All India Radio,
Akashvani Bhavan, Kolkata- 700001
Residing at Bidhannagar,
P.O. Chorashyamdas,
Thana: Bishnupur, 24 Parganas

.....Proforma Respondents

WAL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/440/ 2018

Date of order: 24.07.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : Mr. B.R. Das, counsel

For the respondents : Ms. D. Nag, counsel

ORDER(Oral)

A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(i) Rescind, recall and/or withdraw and / or amend the order dated 20.09.2011 issued by Additional Secretary General regularizing the service of the applicant in the post of He/par (Engineering) insofar as it seeks to regularize the service of the applicant w.e.f. 19.04.2004 to be in parity with his junior benefit of parity with his junior and immediate senior.

(ii) Re-fix the pay on the basis of the pay scale as referred to in (i) above and recalculate all the consequential benefits on the basis of such pay.

(iii) Grant financial upgradation under MACP Scheme as per the revised date of regularisation on parity with his immediate junior and senior.

(iv) Pay all the arrears on account of reliefs (i), (ii) and (iii) above, forthwith, with suitable interests thereon.

(v) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) to (iv) above.

(vi) Any further order/orders and/or direction or directions as to your Lordships may seem fit and proper.

(vii) Costs."

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2. Heard Mr. B.R. Das, Id. counsel for the applicant and Ms. D. Nag, Id. counsel for the respondents.

3. Mr. B.R. Das, Id. counsel for the applicant submitted that though the applicant filed representation to the Chief Engineer(East Zone), All India Radio & Doordarshan, Akashvani Bhawan, Kolkata and the Station Director, All India Radio, Akashvani Bhawan, Kolkata (Respondent No.5) dated 08.12.2017(Annexure A/18) ventilating his grievances therein, he received no response to the same till date. Mr. Das further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.5 i.e. the Station Director, All India Radio, Akashvani Bhawan, Kolkata or any other competent authority to consider and dispose of the representation of the applicant dated 08.12.2017(Annexure A/18) as per rules within a specific time frame.

4. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.

5. Accordingly the Respondent No.5 i.e. the Station Director, All India Radio, Akashvani Bhawan, Kolkata or any other competent authority is directed to consider and dispose of the representation of the applicant dated 08.12.2017(Annexure A/18) by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. After such consideration if the grievance of the applicant is found to be genuine, then the respondents shall take expeditious steps for granting the consequential

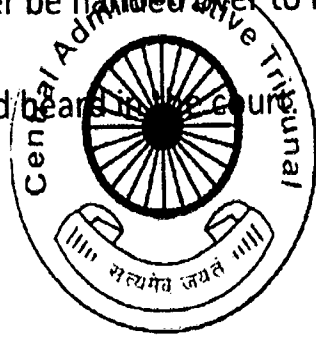
benefits to him within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

7. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

8. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to the Respondent No.5 by the Registry through speed post for which Id. counsel for the applicant shall deposit the cost within a week. A free copy of this order be handed over to Id. counsel for the respondents

Ms. D. Nag, who is present and hears in the court.



(A.K. Patnaik)
Judicial Member