

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.329/2018.**

**Date of Decision: 03.05.2018.**

***CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)***

Shri P.K.A. Nair,  
 Transmission Executive (Retired),  
 VBS All India Radio Prasar Bharti  
 (Broadcasting Corporation of India)  
 Vivid Bharti Service, All India Radio  
 Gorai Road, Borivali (W) Mumbai – 91.  
 R/at :- P.K.A. Nair, Flat No.306,  
 3<sup>rd</sup> Floor, Mahadev Complex, Ramdeo Park,  
 Meera Road (E), Thana 400 107.  
 State Maharashtra.

.... *Applicant*

*(By Advocate Shri M.S. Lal )*

**Versus**

1. The Union of India  
 (Through the Secretary),  
 Ministry of Information &  
 Broadcasting, Shashtri Bhavan,  
 Sansad Marg, New Delhi-1.
2. The Director General, Prasar Bharti,  
 (Broadcasting Corporation of India),  
 Akashvani Bhavan Sansad Marg,  
 New Delhi-1.
3. The Station Director Prasar Bharti,  
 (Broadcasting Corporation of India),  
 Vivid Bharti Service All India Radio,  
 Gorai Road, Borivali (W), Mumbai-91.
4. Shri J.V.Nabar,  
 Transmission Executive (Retired),  
 A-5, Vihang Darshan Society  
 Kol Dongrelane-1, Behind Ergency  
 Hotel, Andheri (East),  
 Mumbai – 69. .... *Respondents*

**ORDER (Oral)**

Per : Shri A.J. Rohee, Member (J)

Today Division Bench is not available. Hence, the matter is taken up before Single Bench for Admission.

**2.** Heard Shri M.S. Lal, learned Advocate for the Applicant. I have carefully perused the case record.

**3.** The Applicant retired as Transmission Executive while working under Respondent No.3 on 31.12.2008. In this OA, he has come up with the grievance that although there is no fault on his part, the benefits of financial upgradation under ACP & MACP were not granted to him.

**4.** Based on above, the following reliefs are sought in the OA:

**“8.a)** *To allow this Application on merit by directing the Respondents No.2 to settle the matter of Financial Benefit Under MACP Scheme and consider the Applicant 1<sup>st</sup> time Financial benefit under ACP Scheme without any further delay.*

**8.b)** *To direct the Respondent No.2 pay consequence benefit Like refixation of pay arrears arising out of the same with interest of 18% per annum thereon.*

**8.c)** *To pass any order in the interest of justice as Hon'ble Tribunal Deem Fit.”*

**5.** Record shows that for redressal of his grievance, the Applicant submitted representation dated 28.12.2015 (Annexure A-3) followed by reminder representations dated 19.01.2016 (Annexure A-4), dated 26.08.2016 (Annexure A-5) and lastly dated 17.10.2017 (Annexure A-6). He has also taken recourse to the provisions of Right to Information Act. However, nothing fruitful emerged.

**6.** In such circumstances of the case, this Tribunal is of the view that since there is no adverse order as such declining the claim of the applicant, ends of justice will be better served, if appropriate directions are issued in the matter.

**7.** In view of above, competent authority from official Respondent Nos.1 to 3 shall consider and pass a reasoned and speaking order on the pending representations of the applicant referred above, in accordance with law, within a period of six weeks from the date of receipt of certified copy of this order.

**8.** The order so passed shall then be communicated to the applicant at the

earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

**9.** The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping the legal plea of limitation open.

**10.** Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

***(A.J.Rohee)***  
***Member (J)***

*dm.*