

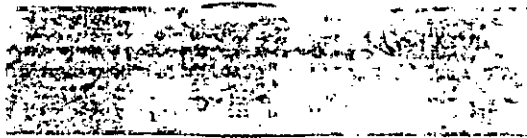
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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

O. A No. 350/1754/2018

PARTICULARS OF THE APPLICANT:

1. Kartik Chandra Naskar, son of Ramgopal Naskar, aged about 55 years, working as Engineering Assistant at Doordarshan Kendra Kolkata, residing at Vill.- Khurigachi, P.O. - Sonarpur, Dist.- 24 Parganas(S), PIN- 700150.
2. Kudrat E Khoda, son of Md. Sifir, aged about 40 yrs, residing at Sabujnid Housing, Canalpar, New Hospital Road, P.O.- Rampurhat, Dist: - Birbhum, Pin - 731224.
3. Satyajit Chakraborty, son of Late Deaba Prasad Chakraborty, aged about 53 years, residing at Balaji Apartment, G.B.Road, P.O.- Sodepur, Dist.- 24Parganas (N), PIN - 700110.
4. Subrata Hazra, son of Sadananda Hazra, aged about 43 yrs, residing at Akashleena, Flat No:- 3, 175A, Anandapally, Jadavpur, Kolkata-700032.
5. Debkanta Chakraborty, son of Late Debabrata Chakraborty, aged about 41 yrs, residing at 12, Ramlalbazar 2nd Row, P.O. - Haltu, Kolkata, PIN - 700078.
6. Gopi Kanta Choudhury, son of Gosaipada Choudhury, aged about 39 yrs, residing at Vill.- Uttardaha, P.O. - Joplai, Dist - Birbhum, PIN - 731123.
7. Anirban Banerjee, son of Shyamal Kumar Banerjee, aged about 41 yrs, residing at Flat No.- G-3, D-73 Ramgarh, Kolkata-700047.



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8. Sandipan Chakraborty, son of Ajoy Kumar Chakraborty, aged about 39 yrs, residing at Vill.- Kushar, P.O. - Pulaita, Dist.- Midnapur (East), PIN - 721154.

.... APPLICANTS

V E R S U S -

- I. The Union of India, through the Secretary, Government of India to the Ministry of Information Broad casting, Shastri Bhawan, Sansad Marg, New Delhi 110001
- II. The Chief Executive Officer, Prasar Bharati, India Public Service Broad Caster, PTI Building, Parliament Street, New Delhi 110001
- III. The Director General, All India Radio, Akashvani Bhawan, Parliament Street, New Delhi 100 001
- IV. The Director General, Doordarshan, Mandi House, Copernicus Marg, New Delhi 110-001
- V. The Additional Director General, All India Radio & Doordarshan Akashvani Bhawan, 4th floor, Eden Garden, Kolkata 700 001
- VI. The Director General (P), All India Radio, Akashvani Bhawan, Kolkata 700 001
- VII. The Deputy Director (Engineering) Doordarshan Maintenance Centre (DMC), Sandy's Compound, Bhagalpur, Pin 812001, Bihar.



- VIII. The Deputy Director (Engs), Doordarshan Maintenance Centre (DDMC), PO. Fagapur, Burdwan, West Bengal 713101
- IX. The Deputy Director (Engineering), Doordarshan Kendra, Daltangaj, P.O. Sunda, Dist. Palamanu, Pin 822102
- X. The Deputy Director (Engg), Doordarshan Maintenance Centre, Keonjhar, Orisha. 758002
- XI. The Deputy Director (Engg), Doordarshan Maintenance Centre, Jeypore, Orisha 764005
- XII. The Stn Engineer, Doordarshan Kendra, Daltorganj, Jharkhand. 822102

.....RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1754/2018
M.A/350/873/2018

Date of Order: 15.02.2019

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

Kartik Chandra Naskar & Others -vs- All India Radio

For the Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel
For the Respondent(s): Mr. B. P Manna, Counsel

ORDER (O R A L)

A.K. Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant. Mr. Chakraborty submitted that he has already sent copy of the O.A. along with annexures, to the Respondents.

2. As no-one appears on behalf of the Respondents and Mr. B.P.Manna, who usually appears for the Ministry of Information Broad Casting (Respondent No.1), is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A., along with annexures, on him as I do not want the Official Respondent to go unrepresented. Heard Mr. B.P.Manna, in extenso.

3. As none appeared for the Prasar Bharati Broadcasting Corporation, with the aid and assistance of Mr. Manna, I perused the record.

4. M.A.No. 873/2018 filed for joint prosecution of this case is allowed and disposed of accordingly.

5. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ i) F. No 15(9)/2008-A&G(Vol./II) dated 08.09.2015 issued by the Deputy Director on behalf Director General, Prasar Bharati, India's Public Service Broad Casting cannot be sustained in the eye of law as

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the arrear of Special Duty Allowance was rightly granted to the applicants.

ii) Leave may grant to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rules, 1987."

6. The case of the applicants, in nutshell, as submitted by Ld. Counsel is that the applicants are working as Engineering Assistant in All India Radio. Prior to 31.08.2008, the applicants were transferred from Kolkata to Assam, Sikkim, Meghalaya, Mizoram, Arunachal Pradesh, which falls within the North East Zone. Ld. Counsel for the applicants submitted that the applicants were entitled to Special Duty Allowance on being posted in the North East Regions in terms of O.M No. 11(5)/97-E-11(B) dated 29.05.2002. However, they received the arrears of Special Duty Allowance, in the meantime, on the strength of judgment passed by the Guwahati Bench of the Central Administrative Tribunal in a case filed by similarly situated employees. However, the said benefit was withdrawn on the ground that personnel employed as Engineering Assistant are appointed on the Zonal basis and North East Regions falls into Eastern Zone. It is further submitted that the Deputy Director of Administration on behalf of Director General issued a Circular F. No 15(8)/2008-A&G(Vol.II) dated 08.09.2015 clarifying that the beneficiaries may include only those who got favourable order for payment of SDA by various Courts/Tribunals for the period prior to 31.08.2008 and the payments, if any, made so far as to the non-applicants may be recovered immediately. Ld. Counsel for the applicant submitted that despite approaching the Respondents through representations (Annexure-A/3), no reply has been communicated to the applicant.

7. Ld. Counsel for the applicants, however, submitted that the applicants' grievance may be redressed if a direction is issued to Respondent No. 6 to consider



the representations of the applicants as at Annexure-A/3 within a specific time frame.

8. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 6 to consider the representations of the applicants under Annexure-A/3, if the same have been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. It is made clear that till the representations are considered and result is communicated to the applicants, no further recovery will be made from the salary of the applicants. I make it clear that if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

9. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

10. As prayed for by the Ld. Counsel for the applicants, copy of this order, along with paperbook be transmitted to Respondent No. 6, by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

11. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patraik)
Member(J)

RK/PS