

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

O.A.297/2019

Dated this Wednesday the 1st day of May, 2019

Coram: Dr. Bhagwan Sahai, Member (A).
Shri R. N. Singh, Member (J).

1. Mr. S. S. Dhute,
Age 67 years,
Retired Hindi Officer,
R/at Plot No.96,
Omkar Nilaya,
Siddrameshwar Nagar,
Beside Bhagyodaya School,
Near Aland Check Post,
Gulbarga 585/101.

...Applicant.

(By Advocate Shri Vicky Nagrani).

Versus

1. Union of India through
The Secretary,
Ministry of Information
and Broadcasting,
Room No.552,
A wing, Shastri Bhawan,
New Delhi-110 001.

2. Additional Director General,
(P) (WRI&II),
All India Radio & Doordarshan,
3rd Floor, Old CGO Building,
Beside Income Tax Office,
M.K.Road,
Mumbai-400 020.

3. The Pay and Accounts Office
(IRLA), PB-1, Ministry of
Information and Broadcasting,
7th Floor, Suchna Bhavan,
CGO Complex,
New Delhi-110 003.

... Respondents.

O R D E R (O R A L)
Per : R. N. Singh, Member (Judicial)

Present.

1. Shri Vicky Nagrani, learned counsel for the applicant.
2. Heard him. We have carefully perused the case records.
3. The applicant who retired from the services of the respondents as Hindi Officer has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"a. This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the Respondents and after examining the same direct the Respondents to forthwith release the arrears arising out of the order dated 11.11.2013 whereby the Applicant is granted second ACP w.e.f. 01.08.2007 with all consequential benefits.

b. This Hon'ble Tribunal may further be pleased to direct the Respondents to pay the said arrears along with interest @ 18% per annum w.e.f. 01.08.2007.

c. This Hon'ble Tribunal may further be pleased to direct the Respondents to revise the PPO and pay the arrears arising out of the said revised PPO alongwith the interest @ 18% P.A. w.e.f. 31.07.2011.

d. This Hon'ble Tribunal may further be pleased to hold and declare that the Respondents inaction is absolutely illegal and arbitrary and therefore exemplary costs of the application be

provided for.

e. Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

4. The learned counsel for the applicant submits that though the respondents have granted the benefit of second financial up-gradation to him under the ACP Scheme vide order dated 07.11.2013 (Annexure A-1), till date the actual benefits resulting from such orders have not been given to the applicant.

5. The learned counsel for the applicant further submits that in view of the respondents' order dated 07.11.2013, the respondents were duty bound to refix the pay of the applicant and they should have granted the arrears of pay and also taken steps for refixing his pension and releasing the arrears of pension, if any. However, in spite of various representations from the applicant, the respondents have not taken remedial action in the matter.

6. The learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of at this Stage with directions to the respondents to consider the re-fixation of his pay,

pension and arrears of the pay and pension in view of their aforesaid order dated 07.11.2013 in time-bound manner.

7. In view of the aforesaid, the OA is disposed of with directions to the respondents to consider the representation filed by the applicant dated 13.07.2015 (Annexure A-8) pending with the respondents and to pass a reasoned and speaking order within six weeks from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

8. In the above terms, the OA is disposed of.

No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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