

**Central Administrative Tribunal  
Principal Bench, New Delhi**

OA No. 3100/2012

New Delhi this the 10<sup>th</sup> January, 2019

**Hon'ble Mr. Justice Narasimha Reddy, Chairman**  
**Hon'ble Sh. Pradeep Kumar, Member (A)**

Sh. Tonyout Dorjay,  
S/o L. Phunchok,  
Radio Colony,  
Kingsway Camp,  
Delhi-110009

... Applicant

(By Advocate: Sh. Umesh Singh)

VERSUS

Union of India,

1. Through Director General,  
Information & Broadcasting,  
Akashvani Bhawan,  
New Delhi-110001.
2. Dy. Director General (E),  
Prashar Bharti,  
Broadcasting Corporation of India  
Shahjahan Road,  
C-North Zone,  
New Delhi-110001.

... Respondents

(By Advocate: Sh. P.K. Singh for Sh. Vikrant Yadav)

**ORDER (ORAL)****Justice L. Narasimha Reddy, Chairman:**

The applicant was initially appointed as Diesel Engine Driver in All India Radio and at present he is working as Senior Technician from 1994 onwards. The Scheme of Modified Assured Career Progression (MACP) is implemented in the Department. The applicant was extended the benefit of the 2<sup>nd</sup> financial upgradation under the MACP through Order dated 20.03.2012. However, the same was withdrawn through an Order dated 16.08.2012. This OA is filed challenging the Order/Corrigendum dated 16.08.2012. The applicant contends that the impugned order was not preceded by the show cause notice and the right that has accrued to him cannot be taken away without informing him, the reasons.

2. The respondents filed the counter affidavit opposing the OA. It is stated that the benefit under MACP can be granted if only there is a vigilance clearance in respect of an employee and that in the instant case the criminal case was pending by the time the MACP was granted to him.

3. We heard Sh. Umesh Singh, learned counsel for the applicant and Sh. P.K. Singh for Sh. Vikrant Yadav, learned counsel for respondents.

4. A perusal of the impugned order discloses that the 2<sup>nd</sup> financial upgradation under MACP extended to the applicant through order dated 20.03.2010 w.e.f. 01.09.2008 is withdrawn. There appears to be some discrepancy in the particulars of proceedings. Even if there existed any valid reason for the withdrawal of such benefits, the respondents are under obligation to state reasons by issuing show cause notice and then to pass the reasoned order. Such a course was not adopted.

5. On this short ground, we allow the OA and set aside the order dated 16.08.2012 leaving it open to the respondents to take necessary action in accordance with law.

There shall be no order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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