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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.3400/2002

M.A. No.2942/2002

This the 1st day of January, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V. Srikantan, Member (A)

1. Sh.Jagjit Singh S/o Sh. Balwant Singh,
R/o H-1, Nanak Pura, New Delhi.
2. Dr.V.K. Dabral S/o Late Sh. P.D. Dabral,
R/o 115, Laxmibai Nagar,
New Delhi.

....Applicant

(By Advocate : Shri D.S. Mahendru, proxy counsel for
Shri V.K. Bhargava)

Versus

Union of India,

1. Secretary,
Ministry of Defence,
South Block, New Delhi.

2. Secretary,
Department of Personnel & Training,
Govt. of India, North Block,
New Delhi.

....Respondents

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman :

MA 2942/2002

MA 2942/2002 is allowed subject to just exception. Filing of a joint application is permitted.

OA 3400/2002

By virtue of the present application, Shri Jagjit Singh and another seek that respondents should be directed to allow them the benefit of Assured Career Progression Scheme (in short 'ACP Scheme') to the applicants with effect from the date they had completed the requisite years of regular service.

VS Ag

2. During the course of submissions, learned counsel for the applicants very fairly conceded that the applicants were holding Group 'A' posts and the ACP Scheme will not be applicable because the promotional post is not an isolated post viz-a-viz of the applicants. However, he contended that there is total stagnation and proportional avenues of the applicants are by and large belated because it will take 15 to 20 years the applicants will be promoted. Learned counsel has also drawn our attention to the order purported to have been passed in case of Shri H.S. Bobde and Shri Dipak Das (Annexure A/14) and on the strength of the same, contended that even they were holding Group 'A' posts and have been give the benefits of ACP Scheme.

3. We have carefully gone through the said statement made at the bar. Since the ACP Scheme will not be applicable to Group 'A' posts where promotional avenues are available, indeed we have no hesitation in coming to the conclusion that the relief claimed cannot be granted to the applicants.

4. With regard to the stagnation of the applicants is concerned, the applicants may if so advised take up the matter with the Ministry concerned and it would be administrative decision with respect to the cadre review or any other relief that could be granted to them and no further opinion in this regard has been expressed.

As Ag



(3)

5. As regard the said benefits have been given to other persons referred to in the preceding paragraphs is concerned, we are not dwelling in detail. For the same reason being Shri H.S. Bobde and Shri Dipak Das are not party in the present case. It is for the Ministry concerned to consider as to under what circumstances the said persons have been awarded the benefits of ACP Scheme. The Ministry concerned may be at liberty to look into the matter afresh pertaining to the persons in accordance with rules and law on the subject.

6. With these observations, the present OA is disposed of at the admission stage itself.


(V. Srikantan)
Member (A)


(V.S. Aggarwal)
Chairman

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