Central Administrative Tribunal, Principal Bench

Original Application No.1754 of 2002

New Delhi, this the 11th day of July,2002

Hon'ble Mr.Justice Ashok Agarwal,Chairman
Hon'ble Mr.S.A.T.Rizvi,Member(A)

Shri Mange Ram Gupta,
S/o late Shri Tika Ram
R/o D-673,DIZ Area
Gole Market,
New Delhi-1

working as Upper Division Clerk,
Govt. of India Press
Minto Road,New Delhi-2   .... **Applicant**

(By Advocate: Shri M.K.Gupta)

Versus

1. Union of India
   through its Secretary
   Ministry of Urban Development
   Nirman Bhawan,
   New Delhi-11

2. The Directorate of Printing
   through its Director
   Ministry of Urban Development &
   Poverty Alleviation
   Nirman Bhawan,
   New Delhi-11

3. The Manager,
   Govt. of India Press,
   Minto Road,New Delhi-2   .... **Respondents**

O R D E R(ORAL)

By Justice Ashok Agarwal,Chairman

By the present OA, applicant seek directions to the respondents to grant him second upgradation under the Assured Career Progression Scheme (in short `ACP Scheme') for the Central Govt. civilian employees (Annexure A-3). Relevant instructions contained in the aforesaid Scheme provide as under:

"3.   The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later.

"4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfilment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not fount fit or due to departmental proceedings etc., this would have consequential effect on the second upgradation which would also get deferred accordingly."
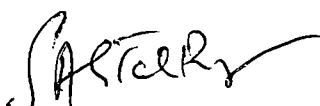
2. Applicant had joined in the Government of India Press, New Delhi as a Lower Division Clerk (LDC) in 1966. In 1986, he was promoted as Upper Division Clerk (UDC). Aforesaid ACP Scheme was issued on 9.8.99. According to the applicant, two chargesheets which had been issued against him, have been dropped. As far as the first chargesheet is concerned, the same was directed to be dropped by an order passed by the Tribunal on 12.7.2001. In terms of the said order, an order dropping the chargesheet had been issued by respondent no.3 by an order passed on 1.10.2001 (Annexure A-1). As far as the second chargesheet is concerned, the same has been dropped by an order passed by the Deputy Secretary, Ministry of U.D. & P.A. who was the disciplinary authority by an order passed on 16.10.2001 (Annexure A-2). Since there is no adverse material that exists against him, he cannot be denied the second financial upgradation which, according to the applicant, has become due to him w.e.f. 9.8.99, the date on which the aforesaid Scheme has come into force. Eventhough his juniors have been granted the benefit of the said Scheme, the same has been denied to him. Applicant, in the circumstances, has made representations on 16.10.2001, 15.5.2002 and 13.6.2002 (pages 18, 19 and 20 - Annexure A-4
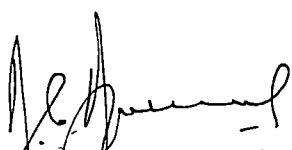
collectively). No response thereto has been received by him from the respondents.

3. According to the applicant, he is at present placed in the pay scale of Rs.4000-6000 and under the aforesaid Scheme, is entitled to the next higher scale of Rs.4500-7000. He has further pointed out that he is the seniormost UDC and under the rules, is entitled to promotion in the next higher grade in the post of Head Clerk.

4. Having regard to the aforestated facts, we find that interests of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to pass appropriate orders on the aforesaid representations expeditiously and in any event within a period of one month from the date of service of a copy of this order. We direct accordingly. O.A. is disposed of in the aforestated terms.

(S.A.T. Rizvi)
Member(A)

(Ashok Agarwal)
Chairman

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