



Central Administrative Tribunal
Principal Bench, New Delhi.

OA-3272/2002

New Delhi this the 5th day of July, 2005.

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.K. Malhotra, Member(A)

1. Sh. Puran Singh,
S/o Sh. Gopal Singh,
R/o Sahyog Vihar,
Papan Gala, New Delhi.
2. Sh. Ram Prasad,
S/o Sh. Manau Prasad,
R/o 17/3 Andrews Ganj,
New Delhi.
3. Sh. Jagdish Lal,
S/o Sh. Nand Lal,
R/o L-181/C,
Dilshad Garden Delhi.
4. Sh. Hukum Chand,
S/o Sh. Nand Lal,
R/o L-11A, Dilshad Garden,
Delhi.
5. Sh. Om Vir,
S/o Sh. Bhokam Siongh,
R/o 58/A, Jagdamba Colony,
Johari Pur, Delhi.
6. Sh. Shyam Sunder,
S/o Sh. Siri Niwas,
R/o G-19, Aram Bagh,
New Delhi.
7. Sh. Lal Man Tewari,
S/o Sh. Ram Sunder Tewari,
R/o H-337, Sriniwaspuri,
New Delhi.
8. Sh. S.R. Duta,
S/o Sh. R.C. Dutta,
R/o Block No.32,
Q.No. 389, Prem, Nagar,
Delhi.
9. Sh. Girish Chand,
S/o of Sh. Kirat Ram,
R/o Q.No. 24, Road No.6,
Andrews Ganj, New Delhi.



10. Sh. Inderjeet Singh,
S/o Sh. Hira Lal,
R/o B-54,
Rajvir Colony,
Gadoti Vistar,
Delhi-96.

11. Sh. Chander Kiran,
S/o Sh. Prem Chand,
R/o 28/5, Sector-I,
Pushpa Vihar,
New Delhi.

Applicants

(through Sh. T.C. Aggarwal, Advocate)

Versus

Union of India through

1. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi-1.

2. The Director General,
Dte. Of Advertising & Visual
Publicity, PTI building,
Parliament Street, New Delhi-1.

3. The Secretary,
Dept. of Personnel & Training,
(Ministry of Personnel, Public
Grievances and Pension)
North Block, New Delhi-1.

(through Sh. S.M. Arif, Advocate)

ORDER

Hon'ble Shri Shanker Raju, Member(J)

Applicants, who are Packers Group-D employees, are aggrieved by respondents' order dated 5.9.2001 where some of them have been accorded financial upgradation under the ACP Scheme in the scale of Rs. 2610-3540 attached to the ex-cadre of Plate Filer.

2. Learned counsel of the applicants contended that as per admission of the respondents in the reply to MA-158/2005, on closer of Bradma Unit in 1996, posts of Plate Filer became non-functional. Learned counsel further states that even as per the reply to the OA, the respondents' stand is to re-look at the cadre

structure on the two different promotional avenues of Packers. Once the posts are abolished, the Packers shall have only one promotional channel to the post of Head Packer.

3. In the above backdrop, it is stated that one set of Packers, whose promotional avenue is Head Packers, are accorded in the second ACP Scheme. The second category of Packers to whom the pay scale of Rs. 2610-4000 has been accorded is discriminatory and violate of Articles 14 and 16 of the Constitution of India.

4. Learned counsel of the respondents on the other hand stated that as per the recruitment rules for the post of Packer, the promotional avenue is either as Head Packer or Plate Filer. Applicants who had been working as Plate Filer have been rightly accorded the benefit of second upgradation in the scale of Rs. 2610-3540.

5. Learned counsel would contend that DoP&T has been consulted and as per their advise there cannot be different financial upgradation and Packers have to be accorded benefit of ACP on the place of Plate Filer which though becomes non-functional but still existing.

6. On careful consideration of the rival contentions of the parties, we find that ACP Scheme, as per Para-7, financial upgradation would be next higher in existing hierarchy. However, we find that there are two promotional avenues, one is available to the Packer/Plate Filer and the other is Head Packer. However, in the wake of statement of the respondents that in 1996 the post of Plate Filer has become non-functional and there is a move to do away with the post of Plate Filer when the only promotional avenue in the hierarchy is available would be Head Packer.



7. This OA stands disposed of with a direction to the respondents to consider and implement the advice of DoP&T, in the light of their own averments to abolish the post of Plate Filer, within a period of 4 months from the date of receipt of a copy of this order whereafter claim of the applicants for financial upgradation shall be reconsidered. No costs.



(S.K. Malhotra)
Member(A)



(Shanker Raju)
Member(J)

/w/