

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP

ORIGINAL APPLICATION NO. 181/00234 of 2016

Friday, this the 13th day of December, 2019

CORAM

HON'BLE MR. JUSTICE L. NARASIMHA REDDY	...CHAIRMAN
HON'BLE MR. E.K.BHARAT BHUSHAN	...ADMINISTRATIVE MEMBER

1. A.Ummer,
S/o P.Alikunju,
Aged 49 years,
Working as Greaser,
Office of the Superintendent of Police,
Coastal Security Police Station,
Kavaratti - 682 555,
residing at Athanachammade House,
Kavaratti Island, Union Territory of Lakshadweep.
Pin-682 555.
2. Abdul Shukoor,
S/o Cheriyakoya,
Aged 53 years,
Working as Oilman,
Office of the Superintendent of Police,
Coastal Security Police Station,
Kavaratti – 682 555,
residing at Thiruvathapura House,
Kavaratti Island, Lakshadweep – 682 555.
...Applicants

(By Advocate Mr.S.Sidhardhan)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti - 682 555.
2. The Superintendent of Police,
Union Territory of Lakshadweep,
Kavaratti – 682 555. **..... Respondents**

(By Advocate Mr. S.Manu for Respondents)

This application having been heard on 13th December, 2019, the Tribunal on 13th December, 2019 delivered the following :

ORDER

JUSTICE L. NARASIMHA REDDY ...CHAIRMAN

The applicants were appointed as Greaser and Oilman respectively, in the Police Department of Andaman and Nicobar, Lakshdweep Administration in the year 1992. On completion of 12 years of regular service they were extended the benefit of 1st ACP in the next higher stay of pay scale. They contend that before the ACP was extended to them, they were subjected to departmental tests, which are akin to those prescribed for the recruitment to the post of Drivers-cum-Mechanic, and in that view of the matter, they are entitled for upgradation in the pay scale attached to the next higher post of Driver-cum-Mechanic. They submit that though there is no promotional avenue for the posts of Greaser and Oilman, the rules were not amended for the past several years.

2. This OA is filed with a prayer to direct the respondents to refix the 1st ACP in accordance with the pay corresponding to the post of Driver-cum-Mechanic in the Grade Pay of Rs.2800, and to extend them the benefit of 2nd ACP, with all consequential benefits.

3. The respondents filed the counter affidavit opposing the OA. It is stated that the posts of Greaser and Oilman were not the feeder

categories for promotion to the post of Driver/Mechanic, and the claim of the applicants being extended the pay scale attached to that post in the form of 1st ACP does not merit consideration. They further submit that since the post of Greaser and Oilman are isolated ones, the financial benefit in the next higher grade pay was extended in the form of 1st ACP.

4. We heard Shri S. Sidhardhan, learned counsel for the applicant and Shri S. Manu, learned counsel for the respondents.

5. The Assured Career Progression Scheme (ACP) was introduced on the basis of the recommendations of the 5th Pay Commission. It is to the effect that in case an employee in Group-D,C and B, does not get any promotion for a period of 12 years, from the post held by him for want of vacancies in the promotional post or lack of promotional avenues, he would be entitled to be placed in the pay scale attached to the promotional post, subject to his being found eligible and qualified for promotion. The 2nd ACP is provided for the next span of 12 years on same conditions. This scheme was replaced by the MACP, in the year 2008.

6. The applicants were extended the benefit of 1st ACP in the form of a next higher stage of pay structure. Their complaint is that they ought to have been extended the pay scale attached to the post of Driver-cum-Mechanic. We have perused the recruitment rules of

the organisation. The posts of Greaser and Oilman are not at all treated as feeder category for the post of Driver-cum-Mechanic. Therefore, the question of extended the benefit of pay scale attached to the post of Driver-cum-Mechanic to the applicants in the form of ACP does not arise.

7. It is true that before granting the 1st ACP to the applicants, the respondents have subjected to them certain tests, and it is evident from Annexure A-5, filed by the applicants. Assuming that the tests conducted by the respondents are similar to those, prescribed for the post of Driver-cum- Mechanic, one cannot draw inference that the post of Greaser and Oilman are treated as feeder category for the post of Driver-cum-Mechanic. The respondents have categorically stated in their counter affidavit that the post of Greaser and Oilman are isolated posts and that they never treated them as feeder category for the post of Driver-cum-Mechanic.

8. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

List of Annexures in O.A. No.181/00234/2016

1. Annexure A1 - True copy of the recruitment rules notified under F.No.1/15/88-Estt(Pol) dated 13.12.1989.
2. Annexure A2 - True copy of the order No.F.No.1/15/88-Estt. Dated 29.09.1992.
3. Annexure A3 - True copy of the order No. F.No.1/15/88-Estt (Pol) dated 08.04.1992.
4. Annexure A4 - True copy of the order F.NO.10/1/2002-AC(Pol) dated 02.04.2005 confirming the probation.
5. Annexure A5 - True copy of the result of the trade test conducted by the department as per order No.20/45/2003 AC (Pol) dated 15.01.2007.
6. Annexure A6 - True copy of the order F.N.10/45/2003-AC(Pol) dated 20.10.2008 awarding 1st ACP to the applicants.
7. Annexure A7 - True copy of the Office Memorandum No.35034/1/97-Estt(D) dated 09.08.1999 introducing ACP.
8. Annexure A8 - True copy of the representation dated 27.10.2015 submitted by the 1st applicant to the 2nd respondent.
9. Annexure R1(a) - Photocopy of the Office Memorandum F.No.7/14/2010-E.III(A) dated 05.07.2010.
10. Annexure R1(b) - Photocopy of the Order F.No.10/45/2003-AC. Pol. Dt.20.10.2008.
11. Annexure R1(c) - Photo copy of the Lakshadweep Police (Speed Launch) Group C and D) recruitment rules 1988 notified as per F.F.No.1/15/88-Estt. (Pol) dated 13.12.1989.
12. Annexure R1(d) - Photo copy of the order F.No.10/33/2014-(Pol)/ 2484 dated 30.05.2016 issued by the 2nd respondent.
13. Annexure R1(e) – Photo copy of the Office Order F.No.10/33/2014 – AC(Pol) (1)/2484 dt. 05.07.2016 issued by the 2nd respondent.
