



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**R.A. No.14/2020
M.A. No. 3306/2019
O.A. No. 200/2014**

New Delhi, this the 13th day of January, 2020

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

Adarsh Kumar Saxena,
Storekeeper-cum-Clerk,
R/o H.No.15, Preet Vihar Colony,
Khushal Pur, Majhola,
Muradabad, UP.

.. Review Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Ministry of Textile,
Udyog Bhawan, New Delhi.
2. The Development Commissioner (Handicrafts),
Govt. of India,
Ministry of Textile,
West Block No.7,
R.K. Puram,
New Delhi-110066.

.. Respondents

(By Advocate: Shri Aamir Shaikh for Shri Hanu
Bhaskar)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant filed O.A. No.200/2014, claiming the benefit of ACP/MACP from a date earlier to the one, on which it was granted. The gist of his contention was that he was appointed on temporary basis from 06.12.1978, and on regular basis on 07.01.1988 w.e.f. 29.06.1985, but was granted 1st financial upgradation under ACP Scheme w.e.f. 09.08.1999, instead of 1990, when he completed 12 years of service, reckoned from the date of his initial appointment. It is also stated that when the claim was not accepted by the respondents, he filed O.A. No.409/2013; and the same was disposed of on 01.02.2013, directing the respondents to pass a detailed order.

2. It is stated that through a detailed order dated 11.11.2013, the respondents rejected the plea of the applicant. O.A. No.200/2014 was filed challenging the said order. After hearing both the parties, this Tribunal dismissed the O.A. on 20.09.2018.



3. MA No.3306/2019 is filed with a prayer to condone the delay in filing the Review Application. In view of the reasons mentioned therein, we allow the MA and condone the delay.

4. RA 14/2020 is filed with a prayer to review the order dated 20.09.2018 in O.A. No.200/2014. The applicant contends that a specific direction was issued in the earlier O.A., to take into account, the case of one Mr. Phool Singh, and though the facts are similar, he was not extended the benefit.

5. We heard Shri M.K. Bhardwaj, learned counsel for the review applicant and Shri Aamir Shaikh, proxy counsel for Shri Hanu Bhaskar, learned counsel for the respondents.

6. It is not in dispute that the applicant was appointed against a plan post for a specific period, through order dated 06.12.1978. Thereafter, he was appointed on regular basis w.e.f. 29.06.1985, through order dated 07.01.1988. The grievance of the applicant



was about the point of time, at which the 1st ACP was granted.

7. The ACP becomes due on completion of 12 years of regular service, in case the employee did not earn any promotion. It is not in dispute that the regular appointment of the applicant was made in the year 1988, however, w.e.f. 29.06.1985. The applicant insists that his service must be reckoned from 1978. Heavy reliance was placed upon the case of Mr. Phool Singh, who filed O.A. No.183/2011. Except that his representation was directed to be disposed of, the order did not utter a word about his entitlement or the method of reckoning of service. Though it is stated that the respondents have granted the benefit to Mr. Phool Singh, the facts in his case are substantially different.

8. Further, it is not in dispute that the ACP becomes due only on completion of 12 years of regular service, and the question of taking into account any temporary or ad hoc service for that purpose, does not arise. If a mistake has been committed by the Department in respect of one employee, it cannot be a



basis for committing mistakes in respect of other employees, resulting in drain of public funds, without any basis.

9. We, therefore, dismiss the R.A. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/