

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2982/2001

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New Delhi, this the 9th day of August, 2002

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

K.K.Narayanan Nair
791, Sector 12
R.K.Puram, New Delhi-110022

.. Applicant

(By Shri B.B. Raval, Advocate)

versus

Union of India, through ✓

1. Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Director
Intelligence Bureau
Ministry of Home Affairs
North Block, New Delhi

.. Respondents

(Shri B.K. Behera, Advocate)

ORDER

Shri M.P. Singh, Member(A)

By the present OA, applicant has challenged the Memoranda dated 31.3.2000, 24.1.2001 and 8.10.2001 by which his representations for the grant of second financial upgradation under Assured Career Progression (ACP) Scheme has been rejected.

2. Briefly stated, the applicant joined service as Stenographer Gr.III on 12.4.1972. On the basis of the examination conducted by Intelligence Bureau (IB) in the year 1975, he was selected and appointed as Stenographer Gr.II in October, 1975. Thereafter, he took SO/Steno Gr.B/Gr.I) Limited Departmental Competitive Examination (LDCE) conducted by UPSC in the year 1989, as a result of which he was promoted as SO on 10.1.1991. According to the applicant, as per the ACP Scheme introduced by the Government in August, 1999, he is entitled to two

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upgradations i.e. in the scale of Rs.6500-10500 and again, in Rs.10000-15200. He had earned only one promotion i.e. from Steno Gr.II to that of SO but the second promotion/financial upgradation has been denied to him on the plea that he was already given two promotions viz. from Steno Gr.III to Steno Gr.II and thereafter to the post of SO and therefore he is presumed to have availed both the upgradations of ACP Scheme. His contention is that his appointment to Steno Gr.II in 1975 was not a promotion but a direct recruitment through examination conducted by the IB in 1975. All his representations dated 4.2.2000, 14.2.2000, 1.8.2000 and again on 20.4.2001 met with the same fate of rejection. That is how the applicant is before us seeking a direction to quash and set aside the aforesaid rejection Memoranda and further direction to the respondents to consider his case for second financial upgradation from the date he has completed 24 years of service i.e. w.e.f. 1.11.1999 with all consequential benefits.

3. Respondents in their reply have stated that applicant's contention for being treated as 'directly recruited Steno Grade II is that he had been issued the offer of appointment in the format usually issued to the directly recruited Stenos Gr.II and not in the format issued to those recruited through LDCE. Applicant was offered the post of Steno Gr.II in the format meant for outside candidates. However, in the forwarding memo of that offer it was clearly mentioned that the post was being offered to him on his qualifying in Steno Gr. II LDCE. Thus it is clear that offering the post in the format meant for candidates selected from open competitive exam was a procedural lapse. Applicant

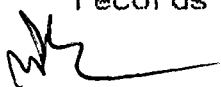
cannot claim any benefit on the basis of such a procedural lapse as the fact remains that he was offered the post on qualifying in LDCE.

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4. Respondents have further submitted that the applicant was promoted as Steno Gr.II after qualifying LDCE conducted by IB in 1975 and not through direct recruitment. Since the Recruitment Rules for the post of Steno Gr.II provided 25% of vacancies to be filled on the basis of LDCE from amongst Steno gr.III, the appointment of the applicant as Steno Gr.II on the basis of LDCE has to be counted as promotion for the purpose of ACP Scheme. Applicant has already availed two promotions viz. from Steno Gr.III to Steno Gr.II and from Steno Gr.II to SO within a period of 19 years i.e. from the date of his joining as a directly recruited Steno Gr.III on 12.4.72 to the date of his appointment as SO on 10.1.91. In view of this position, he is not entitled to any further financial upgradation under ACP Scheme and he has been informed accordingly. Therefore, the present OA may be dismissed.

5. We have heard the learned counsel for the parties and perused the records. Now the short question that needs to be resolved is whether the appointment of the applicant to the post of Steno Gr.II from that of Steno Gr.III was by way of 'direct recruitment' or by way of 'promotion'.

6. On our directions, respondents have furnished the records relating to the selection of the applicant to the



post of Steno Gr.II. We have carefully gone through the same, particularly the recruitment roster maintained for the purpose of filling up of vacancies in the grade of Steno Gr.II by way of direct recruitment/promotion/LDCE and the letter dated 24.10.75 written by Assistant Director, IB(HQ) to the Assistant Director, SIB, Aizwal, under whom the applicant was working at the relevant point of time. As per the roster, his appointment as Steno Gr.II has been shown against the vacancy earmarked for LDCE quota. The letter written by AD, IB(HQ) on 24.10.75 also indicated that the applicant has been selected for the post of Steno Gr.II on the basis of LDCE conducted in April, 1975. We also find that the applicant was promoted as SO on 10.1.1991 based on the result of LDCE conducted by UPSC in the year 1989 for the post of SO/Steno. In view of this position, we are satisfied that the applicant has got two promotions i.e. (i) from Steno Gr.III to Steno Gr.II in the year 1975 and (ii) from the post of Steno Gr.II to the post of SO in January, 1991. Therefore, he is not entitled for the grant of second financial upgradation under ACP Scheme.

7. In the result, we find no merit in the present OA and the same is accordingly dismissed. No costs.

S. Raju

(Shanker Raju)
Member(J)

M.P. Singh

(M.P. Singh)
Member(A)

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