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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.322/2001

New Delhi, this the 5<sup>th</sup> day of December, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (J)  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

1. Doordarshan Programme Professionals  
Union (Regd), A-4/J-10, Navbharat  
Appartment, Paschim Vihar,  
Delhi - 63

2. Shri Madan Sharma,  
S/o Shri R.L. Sharma,  
R/o A-4/J-10, Navbharat Appartment,  
Paschim Vihar, Delhi-63

.... Applicants

(By Advocate : Shri B.B. Raval)

Versus

UNION OF INDIA, Through

1. The Secretary to G/I,  
Ministry of Information &  
Broadcasting, Shastri Bhavan,  
New Delhi - 110 001

2. The Dy. Director General,  
Doordarshan, Doordarshan Bhavan,  
Mandi House,  
New Delhi - 110 001

.... Respondents

(By Advocate : Shri H.K. Gangwani)

O R D E R

BY S.A.T. RIZVI, MEMBER (A) :

By an order passed by this Tribunal on 08.03.2002  
in OA No.2293/2001, this OA was linked up with that OA for  
disposal by passing a common order. However, on  
re-consideration, we find that it will be convenient to  
pass separate orders in the two OAs. We proceed  
accordingly.

2. Doordarshan Programme Professionals Union (Regd),  
Delhi-3, together with Shri Madan Sharma have filed the  
present OA seeking a direction to the respondents to hold a

meeting of the Screening Committee for granting second financial upgradation to them (Floor Assistants) on completion of 24 years of service and in accordance with the ACP Scheme notified by the Central Government on 08.09.1999.

3. We have heard the learned counsel on either side and have perused the material placed on record.

4. The respondents' case is that the applicant Floor Assistants working in the pay scale of Rs.4000-6000 have already been granted the first financial upgradation under the aforesaid scheme and they have thereby been placed in a sufficiently higher pay scale of Rs.6500-10500/-. The latter pay scale, according to them, is the upgraded pay scale of the post of Floor Manager which post is next in the order of promotion from the post of Floor Assistant. The Floor Managers in respect of whom the 5th CPC had recommended a pay grade of Rs.5000-8000 have eventually been granted a still higher pay grade of Rs.6500-10500/-. Thus, the applicant Floor Assistants have been granted a pay scale by way of first financial upgradation which goes even beyond the pay scale recommended by the 5th CPC in respect of the higher post of Floor Manager.

5. The Floor Managers and Production Assistants placed in the higher pay grade of Rs.6500-10500/- as above are not being considered by the respondents for financial upgradation under the ACP Scheme, on the ground that they have already gained a pay scale higher than the one recommended in their favour by the 5th CPC. Similarly,

(3)

certain other categories of posts on the Engineering and Programme side were also given upgraded pay scales higher than the pay scales recommended in their favour by the 5th CPC. These officers have also not been considered for financial upgradation under the ACP scheme. The argument advanced by the respondents is that since the incumbents of the aforesaid posts have already been granted a pay scale higher than the one recommended by the 5th CPC, it has been assumed that these incumbents have already received one financial upgradation in the process. Thus, according to the respondents, insofar as the posts of Floor Manager and Production Assistant and certain other posts referred to are concerned, their incumbents can be seen, according to the respondents, to have been financially upgraded twice, i.e., once when the 5th CPC recommended a certain pay scale in their favour and thereafter when the Central Government decided to place them in the pay scales higher than the pay scale recommended by the Pay Commission. On this basis, the respondents are not inclined to grant any financial upgradation to the incumbents of the aforesaid posts. In these circumstances, giving of second financial upgradation to the applicant Floor Assistants beyond the pay scale of Rs.6500-10500/- would inevitably take them to the pay grade which has not been made available to the aforesaid holders of higher posts. For these reasons, the respondents have found it unnecessary to hold a meeting of the Screening Committee for granting second financial upgradation to the Floor Assistants. According to them, this action on their part is consistent with the clarification No.9 issued by the DOP&T vide their OM of 10.02.2000.)

(3D)

6. We have considered the aforesaid submissions and find that the argument contained in the previous paragraph cannot be said to be an argument consistent with the DOP&T's OM dated 09.08.1999 by which the ACP scheme has been notified. We are here not dealing with the case of the holders of posts of Floor Managers and similar higher posts in respect of whom the respondents have made an assumption that the grant of the higher pay scale of Rs.6500-10500/- amounts to granting two financial upgradations at one go. The applicants herein are Floor Assistants and according to the conditions for the grant of benefits under ACP scheme attached with the DOP&T's OM dated 09.08.1999 "Financial upgradation under the scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose". In the existing hierarchy, admittedly the next post beyond the post of Floor Assistant is that of the Floor Manager. The post of Floor Manager has been placed, for whatever reason, in the pay grade of Rs.6500-10500/-. The applicant Floor Assistants have, therefore, been correctly placed in the aforesaid pay scale of Rs.6500-10500/- by way of first financial upgradation. By way of second financial upgradation, the applicants have to catch up, in terms of pay grade, with the pay grade of the post next higher to the post of Floor Manager. This, in our view, is the correct position in accordance with the aforesaid condition for grant of benefits under the ACP Scheme. In the order dated 10.04.2000 (A-3) issued by the respondents, they have clearly stated that the Floor Assistants who have remained without promotion after completing 12 years of service were

being granted the pay scale of Rs.6500-10500/- under the ACP scheme. This amounts to the respondents themselves admitting that the aforesaid pay scale of Rs.6500-10500/- has been given to the applicants by way of first financial upgradation. Clarification no.9 referred to in the previous paragraphs 2 does not assist the respondent. 2

7. It is stated on behalf of the applicants that some of them had completed 24 years of service on the date the first financial upgradation was granted in their favour. Their contention is that instead of just one financial upgradation being granted, the respondents ought to have granted both the financial upgradations in their favour at one go in terms of clarification point No.17 forming part of the DOP&T's OM dated 10.02.2000. We have perused the aforesaid clarification and find that by taking the instance of a S-7 post in the pay grade of Rs.4000-6000, the respondents have clarified that such an incumbent shall be allowed two upgradations to S-8 and S-9 pay grades and that for this purpose his pay shall be fixed first in S-8 pay grade and thereafter in the S-9 pay grade. From the Office Order dated 13.12.2000 (A-5) passed in the case of Graphic Artists, it becomes clear that in cases where the employee has completed 24 years of service without any promotion, both the financial upgradations can be granted with effect from the same date. Similar, orders have been passed on 7.11.2000 (page 39 of the paper book) in a case of Make-up-Assistants. There can be no difficulty, therefore, in following the same practice in the case of the applicant Floor Assistants.

8. The learned counsel appearing on behalf of the

respondents has not placed any rule or clarification which would run contrary to the provision, referred to by us in paragraph 6, according to which financial upgradations under the ACP scheme is to be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of post. At the same time, in respect of those who have not been granted any promotion for 24 years, the rule position clearly is that they can be granted both the financial upgradations at the same time.

9. In the facts and circumstances brought out in the preceding paragraphs, we find force and merit in the OA which is allowed. The respondents are directed of hold a meeting of the Screening Committee for the grant of the second financial upgradation under the ACP scheme to those among the applicants who have already been granted the first financial upgradation, and both the financial upgradations together to those of them who have not been promoted at all inspite of completing 24 years of service. This the respondents shall do within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

No costs.



(S.A.T.RIZVI)  
Member(A)

  
(KULDIP SINGH)  
Member (J)

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