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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

..... O.A.No. 2445/1996  
New Delhi this the 19th April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J)  
Hon'ble Shri V.K. Majotra, Member (A)

Gokhe Lal,  
S/o Shri Sada Ram,  
R/o Quarter No. 1664,  
Sector 3,  
Pushp Vihar, M.B. Road,  
New Delhi-17

....Applicant

(By Advocate Sh. S.K. Gupta)

Versus

1. Union of India, through  
Secretary, Department of Supply,  
Ministry of Commerce,  
Nirman Bhawan,  
New Delhi
2. Director,  
Quality Assurance,  
Department of Supply,  
4th Floor, Jeevan Tara Building,  
5, Sansad Marg,  
New Delhi
3. Secretary,  
Ministry of Finance,  
North Block,  
New Delhi

....Respondents

(By Advocate Sh. K.C.D. Gangwani)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

The grievance of the applicant in this original application is that he has been continuing in service with the respondents as Group 'D' employee for more than 32 years, but has not been given even a single promotion. The applicant has stated that the action of the respondents in not considering him for promotion is against the settled principles of service jurisprudence, as declared by the Hon'ble Supreme Court in Raghubath Prasad Singh Vs. Union of India (JT 1988 (4) SC 22), C.S.I.R. Vs. K.G.S. Bhatt,

(AIR 1989 SC 1972) and ~~the~~ other cases .

2. Learned Counsel for the applicant has also submitted that recently after the recommendation of the 5th Pay Commission, the Government of India had accepted in principle the need for promotion for their employees who have been stagnating in a grade for a number of years. In this regard, the Assured Career Progression (ACP) Scheme has been formulated by the Government of India, DOP&T in August, 1999. Learned counsel has, therefore, submitted that in the circumstances of the case the respondents may be directed to consider the case of the applicant for promotion or placing him in a higher scale, as he has been working in the same scale although revised from time to time since 1964, if not already done, with intimation to the applicant.

3. The respondents in their reply have submitted, inter alia, that at the relevant time the applicant could not be given in SITU promotion because he was already drawing higher salary ~~as~~ <sup>as</sup> personal pay which had been granted to him in the scale of Daftri. Neither the learned counsel for the parties have been able to confirm or deny whether the applicant has been considered for promotion under the aforesaid ACP Scheme, 1999 .

4. In the facts and circumstances of the case, the respondents are directed to consider the case of the applicant in terms of the DOP&T Scheme (ACP), if this has not already been done. This should be done within 2 months from the date of receipt of a copy of order with intimation to the applicant. In case review under the ACP

Scheme has already been done by the respondents, the result thereof should also be communicated to the applicant, if not done, immediately. No order as to costs.

V.K. Majotra

( V.K. Majotra)  
Member (A)

Lakshmi Swaminathan

(Lakshmi Swaminathan)  
Member (J)

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