

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 1573/2000

New Delhi this the 22nd day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri C. Kapoor,  
S/o Shri Ram Lal Ji Kapoor,  
194, Satya Niketan,  
New Delhi-110 021.

..Applicant

(By Advocate: Shri R.P. Kapoor)

Versus

1. The union of India,  
Ministry of Agriculture,  
through its Secretary,  
Shastri Bhawan, New Delhi-110 001.
2. The Chief Administrative Officer,  
Department of Economics and Statistics,  
Shastri Bhawan, New Delhi-110 001.
3. The Secretary,  
Ministry of Finance,  
North Block, New Delhi-110 001.
4. The Secretary,  
Department of Personnel & Training,  
Estt. (D) Section, North Block,  
New Delhi-110 001.

...Respondents


ORDER (Oral)

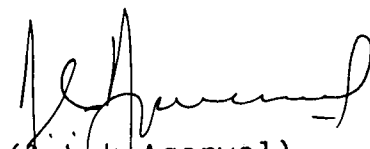
By Mr. Justice Ashok Agarwal, Chairman

The applicant is a retired Government servant. He retired way back on 30.9.90. By the present OA, he claims benefit under the Assured Career Progression Scheme which has been introduced w.e.f. 9.8.99. According to the applicant, he cannot be denied a benefit of the aforesaid scheme merely because he had retired prior to the coming into force of the Scheme. He cannot be discriminated with the other retirees who would be retiring after the aforesaid cut-off date of 9.8.99 after having earned the benefit of the Scheme.

2. In our judgment, there is no merit in the claim set up by and on behalf of the applicant for <sup>grant of</sup> the benefits under the ACP Scheme. It is always open to the Government to fix a cut-off date for <sup>to its employees</sup> grant of benefits keeping in view the financial resources of the Government. No direction can be given to grant of monetary benefits contrary to the policy of the Government as these are within the domain of executive policy decisions. The Government is always within its right to change its policies from time to time under changing circumstances. This right cannot be questioned even <sup>if</sup> it deviates from the pronouncements of the courts. Applicant in the circumstances cannot claim the benefit of aforesaid Scheme which Scheme was never in existence during his period of service. The denial of the aforesaid benefit in our view cannot be successfully impugned on the basis of Articles 14 and 16 of the Constitution.

3. Present OA in the circumstances is summarily rejected.

  
(V.K. Majotra)  
Member (A)

  
(Ashok Agarwal)  
Chairman

cc.