

Central Administrative Tribunal, Principal Bench

Original Application No.1791 of 2000
M.A.No.2160/2000

New Delhi, this the 9th day of July, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

1. The Association of Fire Service
(Drivers), Delhi Fire Service
Delhi

Through its General Secretary
Shri Sehdev Singh
Fire Station Roop Nagar
Delhi

2. Shri Raghuvir Singh
Driver
Delhi Fire Service
Bhikaji Cama Place, Fire Station
New Delhi-1

- Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi
Through Secretary
5, Sham Nath Marg,
New Delhi-54
2. Principal Secretary(Home)
5, Sham Nath Marg
New Delhi-54
3. Chief Fire Officer
Delhi Fire Service
Fire Headquarters
Connaught Circus,
New Delhi-1

- Respondents

(By Advocate - Shri Vijay Pandita)

O R D E R (ORAL)

By Mr. M.P. Singh, Member(A)

Applicant no.1 is an association of Drivers working in Delhi Fire Service (in short "DFS") and applicant no.2 is a directly affected person who have filed this OA challenging the order dated 5.7.2000 passed by respondent no.3.

2. Facts of the case are that Drivers in DFS



8

including the applicants were recruited in the scale of Rs.1320-2040 on the recommendations of 4th Pay Commission. Previously they were aggrieved by the stagnation which they were facing by non-grant of any promotion to them and filed an O.A. No.2108/96 before this Tribunal. The Tribunal by its order dated 24.1.2000 disposed of that OA with the directions that respondents will consider the case of the applicants in terms of their orders in regard to granting of the pay scales in terms of the scheme formulated by the Govt. of India known as Assured Career Progression Scheme (in short "ACP Scheme") by their O.M. dated 9.8.99. In pursuance of that order, the respondents passed the order dated 5.7.2000 (Annexure A-1) granting the scale of Rs.4500-7000 to the applicants.

3. The contention of the applicants is that as per ACP Scheme, they are entitled for two financial upgradations. The first upgradation after completion of 12 years is given to them in the pay-scale of Rs.5000-8000. According to them, they are also entitled to the second upgradation in the scale of Rs.6500-10500/-. Respondents have not granted second financial upgradation. Accordingly by this OA, they are seeking direction to the respondents to quash the order dated 5.7.2000 to the extent upgrading the applicants after completion of 12 years in the scale of Rs.4500-7000 and place them in the scale of Rs.5000-8000 and in the scale of Rs.6500-10500 after completion of 24 years of service with all consequential benefits.



9

4. Respondents in their reply have stated that the post of Fireman (Driver) was put in the lower scale of existing Drivers as they were placed in the scale of Rs.1320-2040. Their promotion was to be made to the post of Leading Fireman (Driver) in the scale of Rs.1320-2040 and further in scale of Rs.1600-2660 as Sub Officer. The new scheme was challenged by the newly recruited Fireman (Drivers) but the Tribunal decided in favour of the Government vide its judgement dated 16.2.2000, upholding the contention of the respondents. According to them, the matter relating to Leading Fireman (Drivers) and Sub Officer (Drivers) is still under consideration. According to respondents, the next financial upgradation in the isolated post of Driver carrying the pay-scale of Rs.4000-6000, will be Rs.4500-7000 after completing 12 years and Rs.5000-8000 after completing 24 years. They have further stated that promotional channel for the Driver and the cadre was trifurcated into Fireman (Driver), Leading Fireman (Driver) and Sub Officer (Driver) but only first phase of the scheme was implemented and other phases are still to be implemented.

5. We have heard learned counsel for the parties and gone through the records.

6. The admitted position is that the applicants were recruited in the pre-revised scale of Rs.1320-2040. That pay-scale has been replaced on the recommendation of the 5th Pay Commission to Rs.4000-6000. The first financial upgradation after completion of 12 years will, therefore, be Rs.5000-8000. That will be the replacement scale of Rs.1600-2660 which is the scale of Sub Officer




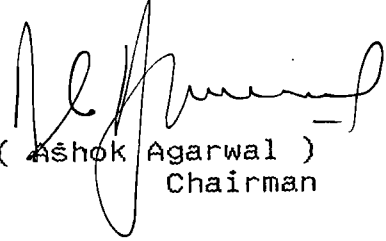
10

(Driver). The second financial upgradation as provided in the ACP Scheme will be to the next higher grade which the applicants have claimed as Rs.6500-10500. Since the respondents have already stated in their reply that the second upgradation is still under consideration, they are directed to take a decision about the second financial upgradation within a period of six months from the date of receipt of a copy of this order.

7. As regards first upgradation from Rs.4000-6000 to Rs.5000-8000, that exercise should also be completed within a period of three months from the date of receipt of a copy of this order. The applicants shall be given first financial upgradation in the scale of Rs.5000-8000 w.e.f. 9.8.99 i.e. the date of issue of O.M. on ACP Scheme, provided they have completed 12 years of service as required in the Scheme. Respondents are further directed to give Rs.5,000/- as cost to be paid to the applicants..

8. O.A. stands disposed of with the above directions. No costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

/dkm/