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**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2199/2004

Monday, this the 7th day of March 2005

**Hon'ble Shri Justice M.A. Khan, Vice Chairman (J)
Hon'ble Shri S. K. Naik, Member (A)**

1. Elizabeth Varte
(Information Assistant "GP" 'C')
d/o Shri H.E. Vungte
r/o 85-F, CGHS Complex,
Vasant Vihar, New Delhi-57
2. Laxmi Thakur
(Information Assistant "GP" 'C')
w/o Late Shri Pratap Thakur
r/o Village Jhullar
PO & Shapur, Distt Kangra (HP)

..Applicants

(By Advocate: Shri G.S. Chaman)

Versus

1. Union of India through
Secretary, Ministry of Tourism
Govt. of India, 1 Sansad Marg, New Delhi
2. Director General, Deptt. Of Tourism
Govt. of India, 1 Sansad Marg, New Delhi

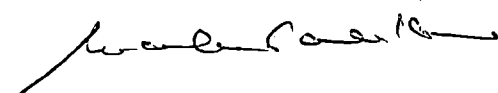
..Respondents

(By Advocate: Shri Hari Nath)

O R D E R (ORAL)

Justice M.A. Khan:-

The present OA has been filed for a direction to the respondents to grant financial upgradation under Assured Career Progression

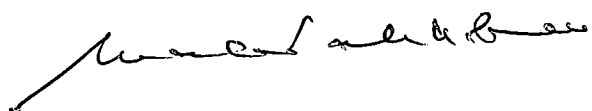


(ACP) Scheme in the pay scale of Rs.6500-10500/- to applicant No.1 w.e.f. 26.2.2003 and to applicant No.2 w.e.f.29.6.2002.

2. The facts are short and simple. Both the applicants joined as Information Assistant in the office of respondent No.2 in the grade of Rs.5000-8000/- w.e.f. 29.6.1990 and 26.2.1991 respectively. They are aggrieved that even after completing 12 years of service, without the promotion, they have not been placed in the next higher scale of Rs.6500-10500/- in terms of ACP scheme.

3. The respondents have contested the OA. Their case is that on 17.2.2000, the recruitment rules were amended and an intermediary grade of Tourist Information Officer in the pay scale of Rs.5500-9000/- was introduced. But since the recruitment rules were notified without the prior approval of the UPSC, the same were withdrawn on 2.1.2002. It is submitted that the recruitment rules have now been referred to the UPSC for its approval, which has not been received as yet.

4. End result is that there is no post of Tourist Information Officer in the pay scale of Rs.5500-9000/-, which was introduced by the new recruitment rules in the promotional hierarchy of the posts. The next higher grade for promotion from the post of Information Assistant is the grade of Rs.6500-10200/-, which is attached to the post of Assistant Director/Manager. Applicant No.1 became eligible for grant of first financial upgradation under the ACP scheme w.e.f. 26.2.2003 and applicant No.2 became entitled to it w.e.f. 29.6.2002. On these dates, the new recruitment rules, which had introduced intermediary grade between the posts of Information Assistant and Assistant Director/Manager were not in existence. The applicants as such would become entitled to the first financial upgradation under the ACP scheme to the next higher promotion scale of Rs.6500-10200/-.



5. As a matter of fact, learned counsel for applicants has drawn our attention to the order of Govt. of India, Department of Tourism dated 23.7.2004 (Annexure A-6) wherein it has been decided that the first financial upgradation to eligible direct recruit Information Assistant would be given in the pay scale of Rs.6500-10500/-. He also referred to the order of the respondents dated 1.4.2004 (Annexure A-13) whereby five Information Assistants were promoted to the post of Assistant Director/Manager (Tourism) in the pay scale of Rs.6500-10500/- on ad hoc basis with effect from the date of taking over the charge. There is yet another order of the respondents dated 18.11.2003 (Annexure A-13) whereby one Information Assistant was promoted to the post of Assistant Director/Manager (Group 'B' Gazetted) in the scale of Rs.6500-10500/- on ad hoc basis with effect from the date of taking over the charge.

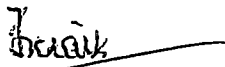
6. From the above two orders, it is clear that the next higher promotional post for Information Assistant is Assistant Director/Manager (Tourism) in the pay scale of Rs.6500-10200/- and the respondents themselves had promoted the Information Assistant to the said post on ad hoc basis. The Government has also decided to grant the first financial upgradation to the Information Assistant in the pay scale of Rs.6500-10500/-.


7. The respondents in the reply have simply stated that they are awaiting for the approval of the recruitment rules by the UPSC that is why the orders have not been passed. We fail to understand why the first financial upgradation has not been granted to the applicants on the

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date they become entitled to it when there was no intermediary pay scale in the hierarchy of promotional post available to the Information Assistant on that date?

8. For the reasons stated above, we allow the present OA and direct the respondents to consider the case of the applicants for grant of first financial upgradation under ACP scheme in the pay scale of Rs.6500-10500/- to applicant No.1 w.e.f. 26.2.2003 and to applicant No.2 w.e.f. 29.6.2002. This order will be implemented by the respondents preferably within a period of three months from the date the certified copy of the present order is received by the respondents. Parties are left with their own costs.


(S. K. Naik)
Member (A)


(M.A. Khan)
Vice Chairman (J)

/sunil/