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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1377/2004

New Delhi, this the 7th day of December, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member(A)

O.P. Rawat,
S/o Shri B.R. Rawat,
W.O. Rajya Sainik Board No.1,
Rajpur Road, Delhi-54
R/o D-84, West Jyoti Nagar,
Delhi-94

....Applicant

(By Advocate: Maj. Siya Ram)

Versus

1. Govt. of N.C.T. of Delhi
Through its Chief Secretary,
Delhi Secretariat,
New Delhi-2
2. The Principal Secretary Finance,
Govt. of N.C.T.,
New Delhi-11
3. The Divisional Commissioner,
5 Shamnath Marg,
Delhi-54

....Respondents

(By Advocate: Shri Piyush Aggarwal, proxy for Ms. Aruna Tikku)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant Shri O.P. Rawat retired from the Indian Navy and was employed as Welfare Organizer in Rajya Sainik Board No.1, Rajpur Road, Delhi on 22.2.90. On 29.1.98, after detailed analysis of various



facts, Secretary, Rajya Sainik Board recommended the claim of the applicant for revision of the pay scale.

2. By virtue of the present application, the applicant seeks a direction to the respondents to sanction the pay scale of Rs. 1600-2660/- (pre-revised) revised to Rs. 5000-8000/- retrospectively from 22.11.90 which according to him, has been recommended by all the senior officers in the department and to pay arrears to him.

3. We would have gone into the said controversy but the learned counsel for the respondents informed us that the matter was referred to the Government of India for upgradation of the post and the Government of India has informed the Government of National Capital Territory of Delhi that the applicant should be granted the Assured Career Progression Scheme (ACP Scheme) benefit.

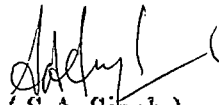
4. To keep the record straight, we deem it necessary to mention that it was not disputed that benefit of ACP Scheme has been accorded. But the applicant argued that it is one thing to grant ACP Scheme benefit and it is another to grant benefit of upgradation which means totally different benefits that would accrue to him. To this extent, we do not dispute what is being urged at the Bar on behalf of the applicant. This is for the reason that ACP Scheme benefit is basically a financial upgradation without any other benefit. Upgradation of a post may not be the same. Therefore when the claim of the applicant was recommended




for upgradation of the post with consequential benefits, the same should have been considered and appropriate orders should have been passed.

5. Consequently, without delving further into this controversy, we direct that respondent no.1 should take up the matter of the applicant with the Union Government for the benefits claimed by him and if thereafter the benefit is not accorded, the applicant would be at liberty to seek his remedy in this Tribunal. The Govt. of NCT of Delhi may take up the matter with the Union Government within one month. O.A. is disposed of.

Issue **DASTI** order.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman.

/dkm/