

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1429 OF 2001
ALLAHABAD THIS THE 19TH DAY OF FEBRUARY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

1. Vijai Narain Dubey,
Son of Surya Narain Dubey,
R/o 6/36-93 A'
Rani Ka Bageecha,
Old Kanpur.
2. Ramesh Chandra,
Son of Nathu Ram,
R/o 18, Mimi L.I.G.,
Barra Bhag-5,
Kanpur-Nagar.
3. Raj Kumar,
Son of Madan Lal Rikhra,
Resident of 128/721 Block 'K',
Kidwai Nagar,
Kanpur-Nagar.
4. Jag Jeet Singh,
Son of Surjan Singh,
Resident of 154/7,
Shastry Nagar,
Kanpur-Nagar.
5. Abdul Rakeem,
Son of Abdul Rahman,
Resident of 100/239,
Colonelganj,
Kanpur-Nagar.
6. Devi Dayal,
Son of Nathu,
Resident of 475-22,
Dabauli,
Kanpur-Nagar

7. Jogesh Chandra Bhaumik,
Son of Hare Krishna Bhaumik,
Resident of 43-D,
Subhash Colony,
Kanpur.

8. Raghuveer Prasad,
Son of Murli Prasad,
Resident of 1/225,
Rishi Nagar (North)
Unnao.

9. Bharat Lal,
Son of Sita Ram,
Resident of 381-D/24B,
Nai Basti Om Purwa,
Kanpur.

10. Satya Narain Singh,
Son of Daya Ram Singh,
Resident of 127/378-W-1,
Saket Nagar,
Kanpur-Nagar.

11. Pooran,
Son of Bansi Ram,
Resident of 158 MM,
10/235, Khalasi Line,
Kanpur.

12. Dharam Raj Singh,
Son of Ram Pher Singh,
Resident of 11/285 Sooterganj,
Kanpur-Nagar.
All working in M.S. Section,
Ordnance Equipment Group of Factories.

.....Applicants

(By Advocate Shri V.K. Srivastava) *Advocate*

Versus

1. Union of India,
through Secretary to Government of India,
Ministry of Defence,
New Delhi.

R *J*

2. General Manager,
Ordnance Equipment Group of Factories,
Kanpur.

3. Director General,
Ordnance Factories,
Government of India,
Ministry of Defence,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Calcutta-700001. Respondents

(By Advocate Shri R. Sharma)

ORDER

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicants have prayed to quash order dated 22.05.2001 (Annexure-2) and further a direction to pay the ~~salary in~~ scale of Rs.4500-7000/- as being paid to the juniors of the applicants, in pursuance of the "Assured Career Of Progression Scheme."

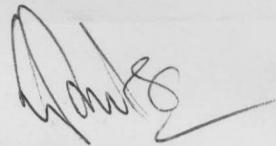
2. Resisting the aforesaid claim, respondents have filed counter reply. The case of the applicant is that Mohd. Farooqui is junior to applicant no.2/was granted/Rs.4500-7000/- but these benefits have been withdrawn subsequently by Ordnance Factory Board, Calcutta, vide letter dated 17.06.2002. Para 10/is being reproduced below:-

"That Shri Hori Lal Junior to petitioner No.1, Shri Ram Autar Junior to petitioner No.12, Shri Mohd, Farooqui Junior to petitioner no.2 and Shri Abdul Majeed Junior to petitioner no.5 were given the benefit of financial upgradation under ACP-II in the pay scale of Rs.4500-7000/- as they have got only one regular promotion in their service period. Subsequently this benefit of financial upgradation has been disallowed vide OFB, Kolkata Letter No.PA-2631/A/CCC dated 17.06.2002 (Copy enclosed as Annexure CA-II). Accordingly, they have also been disallowed this financial benefit notified vide F.O. Pt.II No.1474 & 1471 both dated 04.07.2002 (Copy enclosed as Annexure CA-III & CA-IV). Thus the cause of action if at all there was any, has ceased to exist now."

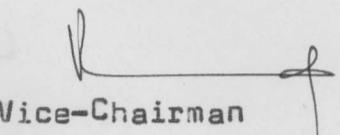


3. As the benefits granted to juniors under A.C.P. Scheme has been withdrawn, the applicant's grievance of discrimination has come to an end and they are not entitled for any relief. The O.A. has no merit and is accordingly dismissed.

4. There will be no order as to costs.



Member-A



Vice-Chairman

/Neelam/