

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1579 of 2001

Allahabad this the 22nd day of April, 2004

Hon'ble Mrs. Meera Chhibber, Member(J)
Hon'ble Mr. S.C. Chaube, Member (A)

1. Dwarika Prasad, aged about 59 years, S/o Shri Kanhai Lal, R/o Village-Jhagaraha, Post-Sunana, District Sidhi.
2. Jagbhan Yadav, aged about 57 years, S/o Shri Lola, R/o Village-Katantaha, Post-Barhaura, District Sidhi.

Applicants

By Advocates Shri Rakesh Verma
Km Mamta Sharma

Versus

1. Union of India through the Secretary, Ministry of Water Resources, New Delhi.
2. The Central Water Commission, through its Secretary, R.K. Puram, Sewa Bhawan, New Delhi.
3. The Superintending Engineer, Hydrological Observation Circle, Akashdeep, 1st Floor, Pannalal Park, Varanasi.
4. The Executive Engineer, Central Water Commission, Middle Ganga Division-III, Akashdeep, Panna Lal Park, 2nd Floor, Varanasi.

Respondents

By Advocate Shri Gyan Prakash

O R D E R (Oral)

By Hon8ble Mrs. Meera Chhibber, Member(J)

By this O.A. 2 applicants have sought quashment of the impugned order dated 24.07.2001 as well as 07.09.01 whereby benefit of second financial upgradation under the A.C.P Scheme was taken back.

2. They have further sought direction to the respondents

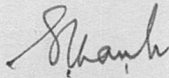
not to withdraw the benefit of second financial up²gradation¹² granted to them ^{already 12} under A.C.P. Scheme in the pay scale of Rs.3050-4590 and to give them second financial upgradation at least in the pay scale of Rs.2750-4400 from the date when the benefit of pay scale of Rs.3050-4590 is taken away and not to make any recovery. ~~12~~

3. Today when the matter came up for hearing, counsel for the respondents handed over a letter dated 21st August, 2002 issued by Central Water Commission Government of India addressed to all Field Chief Engineers, CWC, all Superintending Engineers & Director(M&A) of CWC and all Executive Engineers of CWC. By this letter Govt. of India has granted second financial upgradation under the A.C.P. scheme to Work Charged Khalasis who do not possess Matriculation or equivalent qualification but were ~~under~~ the consideration for some time on completion of 24 years of regular service in the pay scale of Rs.2750-4400, as provided for Group 'D' employees in regular establishment. All persons to which this letter have been addressed, have been requested to take action in the matter accordingly. (Letter submitted by the respondents is taken on record.) Counsel for the respondents, thus submitted that since applicants have already been given the second upgradation under the A.C.P. Scheme in the scale of Rs.2750-4400 as far as non matriculation is concerned, ^{which was demanded by Applicants themselves} this O.A. has become infructuous. Counsel for the applicant is not in a position to say anything as applicants have not approached ~~to~~ him. ...pg.3/-

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4. In view of the statement made by counsel for the respondents, this O.A. is dismissed as having become infructuous. No order as to costs.



Member (A)



Member (J)

/M.M./