

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1267 OF 2004 (U)

ALLAHABAD, THIS THE 8th DAY OF ~~Feb~~ 2006

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

HON'BLE MR. A. K. SINGH, MEMBER-A

Shri Prakash Singh,
Son of Late Shri Jeet Singh,
Painter P.No.9804030 R.T.S. & Depot,
P.O. Hempur, RTS 244716,
District Udhampur Nagar,
Uttaranchal.

..... Applicant.

(By Advocate Shri R. C. Pathak)

Versus

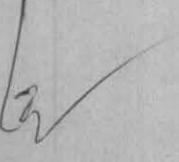
1. Union of India through its Secretary,
Ministry of Defence,
New Delhi.
2. Remount Training School & Depot,
P.O. RTC, Hempur-244716,
District Udhampur Nagar,
Uttaranchal through its Commandant.
3. Remount Veterinary RVC (Records) (CIVILIAN)
Meerut Cantt. U.P. through Senior Record,
Officer/Commandant.

..... Respondents.

(By Advocate Shri S. Singh)

ORDER

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

The applicant has challenged the order dated 22.02.2003 and 23.06.2004, whereby his claim for

promotion to Highly Skilled Grade-II from retrospective date, has been rejected.

2. Briefly stated, the applicant was inducted as a Painter in 1978 and according to the applicant, he was not called for the test but his junior was called for the test for promotion as Highly Skilled Grade-II and was also granted promotion. The applicant was, however, promoted after holding the trade test in 1999. Subsequently, when the ACP ^{was} scheme L introduced, the applicant was denied his second financial upgradation from 2002. As such, the applicant has prayed for placement in the pay scale for H.S. Grade-II from 16.06.1998 and H.S. Grade-I from 16.06.2001.

3. Respondents have contested this O.A. According to them, the applicant appeared in the 1998 test and had failed in the same. Mark list thereof has also been annexed with their CA. As regards ACP, the respondents stated that the applicant is eligible for the same 12 years after the promotion to the grade of Highly Skilled Grade-II.

4. Arguments were heard and the documents perused. As early as 21.02.1998, the Board, presided by Major C.S. Rathor, had furnished its report whereby the applicant was held to have failed in the test and consequently not recommended for promotion. As

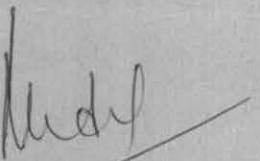
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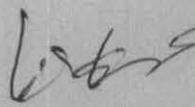
such, the contention of the applicant, that he did not appear for the 1998 test, is proved to be wrong. In so far his higher promotion to H.S. Grade-I is concerned, the Department has clearly stated in para 4 of the impugned order that the applicant would be considered as and when vacancy would arisen. This being the rule position, the same also cannot be faulted with.

5. As regards ACP, the respondents have stated that the applicant is not entitled to ~~the same now.~~ ^{The same now.} ~~promotion~~ Here, lies the erroneous view of the respondents. If the applicant has been given only one promotion to H.S. Grade-II, he is entitled for financial upgradation after completion of 24 years from the date of his initial appointment and the applicant becomes eligible for the same from 26.06.2002. That the applicant was promoted only in 1999 as H.S. Grade-II and, therefore, has to wait till 12 years period from 1999, as advanced by the counsel for the respondents at the time of argument, is not correct. Clarification No.14 contained in memorandum dated 10.02.2000 clearly specifies that irrespective of the date of first promotion, an employee will be eligible for second financial upgradation after completion of 24 years. To this extent the application is allowed.

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6. In view of the above, the O.A. is partly allowed. It is declared that the applicant is entitled to second financial upgradation subject to other conditions being fulfilled w.e.f. 26.06.2002, the date he completed 24 years of service. Respondents are directed to process the case accordingly and pass suitable orders in accordance with law. If the applicant is found fit to be ~~afforded the benefits,~~ ~~afforded~~, from that date he is also entitled to payment of arrears of pay and allowances in the upgraded pay scale. This exercise be completed within four months from the date of communication of this order. No Costs.


Member-A


Member-J

/ns/