

(8)  
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 500 of 2005

Tuesday, this the 13<sup>th</sup> day of February 2007

Hon'ble Mr. Justice Khem Karan, Vice Chairman,  
Hon'ble Mr. K.S. Menon, Member (A)

Uma Shankar, Son of Late Raj Kumar Tiwari,  
Resident of 124/409 E Block Govind Nagar, Kanpur.

.....Applicant

By Advocate : Shri N. L. Agrawal

Versus

1. Union of India, through Secretary Of Defence,  
New Delhi.
2. Joint General Manager Administrative, Small Arms Factory,  
Kanpur Nagar.

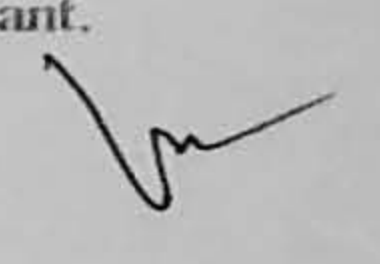
.....Respondents

By Advocate : Shri S. Singh

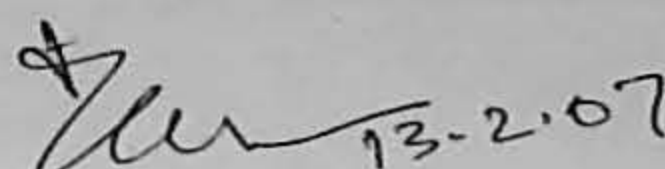
ORDER

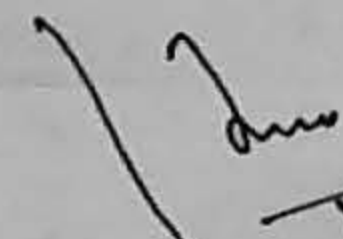
Hon'ble Mr. Justice Khem Karan, Vice Chairman,

The applicant has prayed that the respondents be directed to make payment of one more ACP scale to the applicant. His case is that initially he was appointed on 18.03.1964 on the post of Welder-C but after some time he was removed and was re-appointed on 10.09.1965 in the scale of Rs.85-110/-. He alleged that he passed the trade test and was promoted on 12.11.1965 within a span of two months. There came a scheme called Assured Career Progression in 1999 and under that Scheme the applicant was given one such benefit of ACP but was not given the second ACP. He, therefore, has filed this O.A.

2. The respondents have contested the claim of the applicant. They have also tried to say that the benefit of second ACP was also given to the applicant.
- 

3. We have heard the parties counsel. There appears to be a dispute that as to whether the second ACP was given to the applicant or not but it is a fact that no order refusing to grant the benefit of second ACP has been passed so far in spite of the representation given by the applicant. Copy of such representation dated 20.07.2004 is annexure A-1. We think that the question as to whether the applicant is entitled to the benefit of Second ACP under the relevant scheme/orders has to be examined first by the respondents and in case they say that the applicant is not entitled then, the applicant may approach this Tribunal and in case they come with a case that it had already been granted, the matter will end and there is no point to keep this O.A. pending here or to enter into the controversy as to whether the applicant is entitled to this benefit. So, the O.A. is finally disposed of with a direction to respondent no.2 to consider and dispose of the representation dated 20.07.2004 (annexure-1) in accordance with rules/terms of the Scheme relating to ACP within a period of 3 months from the date a certified copy of this Order be produced before him and in case such benefit of second ACP has already been given to the applicant, as stated by learned counsel for the respondents, the authority need not ~~be~~ enter into any further exercise. No order as to costs.

  
13.2.07  
Member (A)

  
13.2.07  
Vice Chairman

/M.M./