

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 7th day of October, 2021

Original Application No. 330/66/2015
(U/S 19, Administrative Tribunal Act, 1985)

Present:

Hon'ble Mr. Tarun Shridhar, Member- (Administrative)
Hon'ble Ms. Pratima K Gupta, Member-(Judicial)

1. Ram Kishor Tiwari (OMHE) PER No.6185, TKT No.106.
2. Sharad Kumar Tripathi (Millwright) PER No.6380, TKT No.331.
3. Maan Singh (Labour) PER No.4826, TKT No.331.
4. Mohd. Yunus (OMHE) PER No.6489, TKT No.172.
5. D.K. Das (Fitter), PER No.6178, TKT No.103.
6. S.S. Pandey (Fitter), PER No.6385, TKT No.103.
7. Satya Narayan (Machinist), PER No.4827, KTK No.23.
8. Ram Kishan (Machinist), PER No.6789, TKT No.284.
9. Vijay (Millwright), PER No.6974, TKT No.712.
10. R.S. Senger (Welder), PER No.6299, TKT No.07.
11. Guljar Ahamad (Mfnf), PER No.6179, TKT No.594.
12. Miraj Ahamad (Millwright), PER No.6307, TKT No.265.
13. Nagendra (Fitter), PER No.6186, TKT No.597.
14. Ram Naresh Gupta (Machinist), PER No.6302, TKT No.636.
15. Daya Ram (Machinist), PER No.6905, TKT No.08.
16. Ashok Kumar (Machinist), PER No.6507, TKT No.272.
17. Pradip Kumar (Machinist), PER No.6323, TKT No.139.
18. Sughar Singh (Machinist), PER No.6318, TKT No.99.
19. Suresh Chandra (Machinist), PER No.6303, TKT No.59.
20. Shiv Shankar (S.S. Blaster), PER No.5578, TKT No.524.
21. Jagdish Shah (Machinist), PER No.6127, TKT No.79.

22. Shripati (Machinist), PER No.6255, TKT No.103.
23. Mohd Kalim Khan (OMHE), PER No.6878, TKT No.273.
24. Apurwan Kumar (MASON), PER No.4360, TKT No.50.
25. Vinod Kumar Singh, PER No.6395, TKT No.50.
26. Kanhaiya Lal (Machinist), PER No.4277, TKT No.550.
27. Sukhdev Prasad (Electrician), PER No.6340, TKT No.40.

All are posted at Ordinance Factory Kanpur, Kalpi Road, Kanpur Nagar.

. . .Applicant

By Advocate : Shri M.K. Upadhyay

V E R S U S

1. Union of India through its Secretary, Ministry of Defence, Gorakhpur.
2. General Manager Ordinance Factory Kanpur, Kalpi Road, Kanpur Nagar..
3. Accounts Officer, Ordinance Factory Kanpur, Kalpi Road, Kanpur Nagar.

. . .Respondents

By Advocate : Ms. Shikha Dixit

O R D E R

By Hon'ble Mr. Tarun Shridhar, Member (Administrative) :

Shri M.K. Upadhyay, learned counsel for the applicant and Ms. Shikha Dixit, learned counsel for the respondents are present.

2. The applicants are aggrieved that they have not been provided the benefit of Assured Career Progression and the grade pay of Rs.2800 that goes with it in accordance with the circular of the department dated 23.01.2013. To this end, they seek the following reliefs:-

- (i) *Issue mandamus commanding the respondent No.2 to comply the order dated 23.01.2013 and grant the A.C.P. and*

- grade pay of Rs. 2800/- from the date of eligibility of the applicants shown in the order itself.*
- (ii) *Any other suitable order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*
 - (iii) *Award the cost of the application in favour of the applicants against the contesting respondents.*
 - (iv) *Issue mandamus commanding the respondent No.2 to comply the order dated 23.01.2013 and grant the A.C.P. and grade pay of Rs. 2800/- from the date of eligibility of the applicants shown in the order itself.*
 - (v) *Any other suitable order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*
 - (vi) *Award the cost of the application in favour of the applicants against the contesting respondents.*

3. Learned counsel for the applicant would argue that relief which the applicants are seeking is strictly within the scope of instructions issued by the department. No cogent reason has been given by the department as to why after issuing the said circular they have denied the benefits of ACP and enhanced grade pay to the applicant.

4. Learned counsel for the respondents pleads that before release of the enhanced grade pay subsequent to grant of ACP, the respondents had sought certain directions and clarifications from the Accounts Office, Ordinance Factory Kanpur. Subsequent to the order passed on 23.01.2013, the pay of the applicants alongwith others was re-fixed and this pay fixation was sent to the Accounts Office, at Kanpur. However, at that stage the Accounts Office, Kanpur returned the revised pay fixation order with the observations that the prior ACP given to the applicant did not give them the status of a skilled worker and hence the revised fixation is not in order. It appears that thereafter the matter could not be taken at its logical end.

5. At this stage it would be appropriate that the applicants are given an opportunity to make a fresh representation to the respondent authorities clearly outlining their claim, and the respondent authorities are directed to dispose of the representation in accordance with the provisions contained in their letter dated 23.1.2013 and other instructions governing the subject of grant of ACP/MACP. The applicants are further directed to submit the said representation within four weeks from the date of receipt of certified copy of this order and the respondents should take a decision on the same by way of a reasoned and speaking order strictly in accordance with the rules governing on the subject within a period of six weeks thereafter.

6. With these directions the OA stands disposed of.

(Pratima K Gupta)
Member(Judicial)

(Tarun Shridhar)
Member(Administrative)

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