

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the fifteenth day of September 2004.

Original Application No.347 of 2000.

Hon'ble Mrs. Meera Chhibber, Member (J)

Hon'ble Mrs. Roli Srivastava, Member (A)

Awadhesh Mohan, S/o late C.L. Mathur,
R/o B 183 Mehdauri Colony,
Allahabad.

... Applicant

By Adv : Sri A.S. Dewakar

V E R S U S

1. Union of India through its
Comptroller and Auditor General of India,
10, Bahadur Shah Zafar Marg,
NEW DELHI.
2. Comptroller and Auditor General of India,
10, Bahadur Shah Zafar Marg,
NEW DELHI.
3. Accountant General, U.P. (Audit) I,
ALLAHABAD.

... Respondents

By Adv : Sri S. Chaturvedi

O R D E R

Mrs. Roli Srivastava, AM.

By this OA, the applicant has challenged the decision conveyed to him through communication no. AG (Audit) I/Admn/ACP/1030/T-R 591 dated 04.11.1999 from the office of the Accountant General (Audit), UP, Allahabad intimating him that his appointment to the cadre of Sr. Auditor in the pre-revised scale of Rs. 425-800 has been considered as regular promotion in terms of clarification received in

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connection with the Assured Career Progression (A.C.P.) Scheme. The applicant has alleged that ACP scheme has not been implemented vis-a-vis him and has prayed that he should be granted notional upgradation on 01.07.1978 and 01.07.1990 in normal line of promotion and accordingly financial benefits be paid on the date of issue of instructions regarding ACP Scheme.

2. Facts in brief are that the applicant joined the office of the Accountant General (A G), UP, Allahabad on 01.07.1966 as Upper Division Clerk (UDC) in the scale of Rs. 130-300. The designation of UDC was changed to Auditor with effect from 01.04.1975 by the Comptroller and Auditor General of India (CAG). Subsequent to the restructuring of cadres in the Indian Audit and Accounts Department, the applicant was allocated and permanently transferred to the audit office and was thereafter appointed to the post of auditor in the pay scale of Rs. 425-15-500-EB-15/-⁵⁶⁰⁻20-700-EB-25-800 with effect from 01.03.1984. The post of Auditor was redesignated as Senior Auditor with effect from 2.6.1984 without any change in the scale. Subsequently, on the introduction of the Assured Career Progression Scheme on 09.08.1999, the applicant was granted second financial upgradation treating his appointment to the cadre of Senior Auditor as regular promotion. The submission of the applicant is that his appointment as Senior Auditor was merely change in designation and consequently he is entitled to two financial upgradations, as the ACP scheme envisages one up-financial/gradation after 12 years of service and another after 24 years of service.

3. The respondents in their counter affidavit have stated that on reorganisation of the Indian Audit and Accounts

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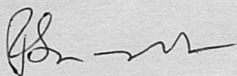
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Department with effect from 01.03.1984, Auditors who opted for the Audit office were placed in two different categories- 20% in the existing pay scale of Rs.330-560 and 80% in a new higher pay scale of Rs.425-800. The former were called Junior Auditor, later redesignated as Auditor, and the latter continued to be called Auditor, but later redesignated as Senior Auditor. The applicant was found fit for appointment against the higher scale and was accordingly appointed in the scale as Auditor (later redesignated as Senior Auditor) w.e.f. 01.03.1984. Since this appointment in the higher scale was treated as promotion, he became entitled to only one financial upgradation w.e.f. 09.08.1999 having completed more than 24 years of service with only one promotion on the date of introduction of the ACP Scheme.

4. We have carefully perused the pleadings of the parties and have heard the arguments of the learned counsel for the parties.

5. The contention of the applicant is that the decision to treat his appointment in the pay scale of Rs.425-800 as regular promotion is arbitrary as this appointment did not involve duties and responsibilities of "greater importance". The applicant has cited FR 22(1) (a) (i) in support of his contention. He has, however, not indicated whether his pay in the higher scale was fixed under FR 22 (1)(a)(1) treating it as promotion. In view of this, he cannot any get^{ps} support to his contention by citing this rule. In support of his contention the applicant has also relied on the decision of the Honourable Supreme Court dated April 25, 1995 in the case of Union of India and



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others And S.S. Ranade contained in 1995 (71) SLR 492 (496). This judgment is in the context of Rule 9 of the Border Security Force (Seniority, Promotion and Superannuation of Officers) Rules, 1978 which is related to the age of retirement of army personnel and the post held. This is not relevant to the facts of the present case as the objective of the Assured Career Progression Scheme is to ensure that a person gets two financial upgradation during a service span of 24 years. In the instant case the applicant has already been given one financial upgradation before the ACP Scheme came into force and the second one thereafter on the introduction of the ACP Scheme on 9.08.1999.

6. It is an admitted fact that not all the auditors were placed in the higher scale. There was a Screening Committee and on screening basis 80% of the auditors were placed in the higher scale and the remaining 20% remained in the existing scale. There is nothing on record to support the contention of the applicant that his appointment in the higher scale was a pay revision based on job evaluation. There is, therefore, no doubt that the appointment in the higher scale did amount to promotion^{18 financial upgradation} and was not merely replacement of a scale.

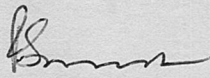
7. A perusal of the OM no.35034/1/97-Estt (D) dated 09.08.1999 issued by the Ministry of Personnel, Public Grievances and Pensions shows that the objective of the ACP is to ensure that every employee gets at least two promotions and/or financial upgradation in a service span of 24 years. Since the applicant had already had one promotion when he was appointed auditor (later redesignated as Senior Auditor) on 01.03.1984, he would be entitled to only one more

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financial upgradation under the ACP Scheme. He has, therefore, rightly been given his second financial upgradation w.e.f. 09.08.1999 and the scheme has rightly been applied in his case.

8. In view of the above we find no merit in the OA. Accordingly, the OA is dismissed with no order as to costs.


Member A


Member J

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