

Open Court

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No. 1416 of 2002.

Allahabad this the 09th day of January 2004.

Hon'ble Mr. Justice S.R. Singh, Vice Chairman.
Hon'ble Mr. D.R. Tiwari, Member-A.

Harish Chandra Pandey
S/o Late Shri Shambhoo Dutt Pandey,
Presently posted as L.D.C. Records, the
Kumaon Regiment Ranikhet.

.....Applicant.

(By Advocates : Sri S.K. Shukla/
Sri R.K. Singh)

Versus.

1. Union of India
through its Secretary
Ministry of Defence,
New Delhi.
2. Director General of Infantry/Inf-6 (Pers)
General Staff Branch,
Army Head Quarters, DHQ. P.O New Delhi.
3. Addl. Director General of MP/PM-8
(I of R) Adjutant Generals Branch,
West Block-III, R.K. Puram,
New Delhi.
4. Sr. Record Officer,
for officer Incharge Records,
The Kumaon Regiment Ranikhet-263645.

.....Respondents.

(By Advocate : Sri Rajiv Sharma)

O R D E R

(Hon'ble Mr. Justice S.R. Singh, V.C.)

The applicant herein has prayed for the following
relief (s):

"(i) Issue an order or direction in the nature of mandamus directing the respondents to grant 1st Financial Upgradation under the A.C.P Scheme to the applicant since 27th July, 2000 pursuant to the office Memorandum dated 6th August, 1999 issued by Govt. of India, Ministry of Personnel, public grievances and Pensions (Department of Personnel and Training)

(ii) Issue an order or direction to the respondents

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to grant Ist Financial Upgradation under ACP Scheme to the applicant with retrospective effect by implementing the O.M dated 6th August 1999.

(iii) Issue any other order or direction to which this Hon'ble Tribunal may deem fit and proper in the present facts and circumstances of the case.

(iv) Award the cost of the present original application in favour of the applicant".

2. A perusal of letter dated 06.10.2001 annexed to the O.A. as Annexure-XI would indicate that the applicant was held eligible for financial upgradation under A.C.P Scheme w.e.f. 10.02.2002 after completion of 12 years of regular service as per D.O.P & T O.M No.35034/1/97-Estt.(D) dated 09.08.1999. The said order has not been challenged in the relief ~~for~~ prayed. However, in the relief clause applicant has prayed for issuance of direction to respondent to grant Ist financial upgradation under the A.C.P Scheme w.e.f. 27.07.2000 by implementing the O.M dated 06.08.1999, if considered necessary. We are of the view that ends of justice would be best attained if the O.A. is disposed of with the direction to respondents that in case the applicant prefers representation seeking grant of Ist financial upgradation under the A.C.P Scheme w.e.f. 27.07.2000, the competent authority shall look into the grievance of the applicant and take appropriate decision in accordance with law as to whether the applicant is entitled for A.C.P Scheme for the grant of Ist financial upgradation w.e.f. 27.07.2000. In case, the applicant is held entitled to grant of Ist financial upgradation w.e.f. 27.07.2000, the same shall be granted to him and in case the applicant is held not entitled to grant of Ist financial upgradation w.e.f. 27.07.2000 his representation would be rejected. The decision in this regard shall be taken within three months.

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3. In view of the discussion, the O.A. is disposed of in terms of above direction.

Dhan
Member-A.

Ranjit
Vice-Chairman.

Brijesh/-