

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 04th day of JULY 2005.

Original Application NO. 165 of 2003.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Mahendra Singh Matroolia,
S/o Shri Man Singh,
R/o Q. No. 4/3 Golf Course Colony,
KANPUR NAGAR.

.....Applicant

By Adv: Sri R.K. Shukla

V E R S U S

1. Union of India through the Secretary,
Ministry of Defence,
Department of Defence Production,
Govt. of India,
NEW DELHI-11.
2. The Secretary,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose Road,
CALCUTTA-1.
3. The Addl. D.G.O.F.,
Ordnance Equipment Fys Group HQrs,
G.T. Road,
KANPUR.
4. The General Manager,
Ordnance Equipment Factory,
KANPUR.

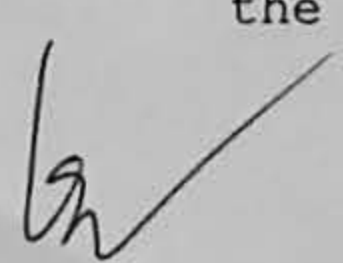
...Respondents.

By Adv: Sri A. Mohiley

O R D E R

The applicant is aggrieved on account of withdrawal of A.C.P. Scheme granted to w.e.f. 09.08.1999 vide the impugned order dated 06.03.2002.

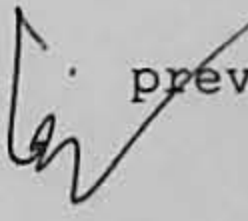
2. The applicant joined as Durwan on 12.05.1984 in the pay scale of Rs. 196-232. On 22.03.1985 he was



appointed (Niyukt) as Record Supplier in the pay scale of Rs. 210-270. In the wake up of introduction of ACP Scheme, the applicant was afforded the first ACP with this financial upgradation at Rs. 2750-4400 w.e.f. 09.08.1999 vide order dated 01.06.2000. It is this order that has been withdrawn by order dated 06.03.2002 referred to above.


3. The applicant contends that the post of Record Supplier is governed by the Recruitment Rules of 1963 as per which it is tenable by promotion of Daftari or Blue Printer/Poddar failing which by direct recruitment. Since the applicant is neither a daftari nor from any other feeder grade, and was only a Durwan and since he had put in just less than a year's of service even as Durwan, his appointment as Record Supplier cannot but be a direct recruitment.

4. The OA has been contested by the respondents. According to them the applicant is not entitled to ACP Scheme as he was initially appointed as Durwan in the lower pay scale and, thereafter, as Record Supplier in the higher pay scale and as such the later appointment should be treated as **Fast Track Promotion**.

5. Arguments have been heard. At the time of
 previous hearing the respondents were directed to

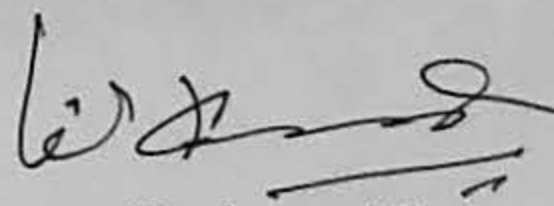
produce DPC proceedings. However, it has been stated, through an affidavit, that such records are not kept beyond one year and as such the same is not available.

6. Pleadings have been perused and arguments have been considered and I have given my anxious consideration. The Recruitment Rules are specific that the post of Record Supplier, if to be filled by promotion, shall be from out of the feeder grade of Daftari, Poddar and Blue Printer. Durwan is not one of the feeder grades. Admittedly, the applicant being only Durwan prior to his appointment as Record Supplies does not belong to any of the aforesaid grades. Again, provision exists for direct recruitment in case suitable individuals from the feeder grades are not available for promotion. In the instant case, as the applicant is neither from the feeder grade nor has he put in three years of service as Durwan, there is no question of he having been "**Promoted**" under "**Fast Track Promotion**". The appointment is pure and simple under direct recruitment and as such his case is analogous to the Sample Case III annexed to order dated 09.08.1999 which relates to grant of ACP. In fact the respondents had by their order dated 01.06.2000 correctly afforded the applicant the financial upgradation under ACP Scheme. Their subsequent withdrawal of such upgradation vide order dated 06.03.2002 is thus patently erroneous.



7. In view of the above the OA succeeds. Order dated 06.03.2002 is hereby quashed and set aside. The respondents are directed to act upon their earlier order of financial up gradation vide order dated 01.06.2000 and restore the pay of the applicant to the pay scale of Rs. 2750-4400. The applicant is also entitled for consequential benefits namely arrears of pay and allowances etc. This action should be completed within a period of three months from the date of communication of this Order.

8. Under the above circumstances there shall be no order as to costs.


Member (J)

/pc/