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O.A. no. 651/2003

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED: 07-12-2004.

O.A.Nos. 651, 652, 653, 654, 663 & 664 of 2003

None is present for Applicants.

As the reliefs sought and the issues involved in these applications are one and the same, though these cases were heard one after the other, for the sake of convenience this common order is passed; which will govern in all these cases.

For the sake of clarity, the facts of O.A.No. 651 of 2003 are briefly stated herein below.

The Applicant Shri Bajchar Patra has filed O.A.No. 651 of 2003 under section 19 of the Administrative Tribunals Act, 1985 praying for a direction to be issued to the Respondents to ante-date his date of regularisation to 15-01-1973 and to direct them to extend the benefits of ACP to him with consequential financial benefits. He has also prayed for a direction to be given to the Respondents to pay him 75% of CGEGIS amount with compound interest.

From the facts of the case it appears that the Applicant was appointed as a Casual Gangman on 24-02-1966, and regularised as Gangman w.e.f. 04-05-1981. Thereafter, he was promoted to the grade of Senior Gangman w.e.f. 13.02.1988 in the pay scale of Rs. 800-1150/- and again promoted to the grade of Head Track man w.e.f. 01-06-2001 in the scales of pay of Rs. 2750-4400/-. Applicant retired from service w.e.f. 31-05-2002. His grievance

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is that he has not been granted financial up-gradation under the ACP Scheme; although other employees similarly placed were given the benefits of the said scheme.

Respondents in all the cases have disputed the allegations made by the Applicants in all these cases and have submitted that the ACP scheme which was introduced on the recommendations of the Vth Pay Commission intended to provide two financial upgradations in the entire service career of an employee counted against regular promotion including in-situ promotion availed from the grade in which an employee is appointed. It also further lays down that if an employee has already got one or more than one regular promotion, he shall qualify either for second financial upgradation on completion of 24 years of regular service or for not benefit under the ACP scheme as during his service career, he had already received two regular promotions. This being the provisions of the scheme, they have submitted that the Applicants in all these cases were not eligible for any benefits under the ACP scheme; as they were given two benefits of promotion; one to the grade of Senior gangman and thereafter to the grade of Head Track man; before they retired from Railway Service. They have

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also submitted that no dues are payable to the Applicant on account of CGEGI scheme; because he was paid the survival benefits amounting Rs. 8209/- as per the scheme provision.

We have also perused the ACP scheme provisions and under the scheme, we find, as submitted by the Respondents, that the Applicant having received two promotions after being appointed on regular basis as a Gr.D in the Respondent-Deptt. the benefits of ACP scheme were not available to be granted to all these Applicants. Applicants have also not controverted the statements made by the Respondents in their counter and therefore, nothing survives in these Original Original Applications for further adjudication. According, these Original Applications are disposed of being devoid of any merit. No costs.

(M. R. MOHANTY)
Member (Judl.)

(B. N. SOM)
Vice-Chairman