

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order dt. 2.4.04

Learned Counsel for the applicant is present. Mr. P.C. Panda, Ld. A.S.C. by entering appearance for R-1 prays for 04 weeks time to file counter. Heard. R-2 and R-3 continue to remain absent and no steps taken to file counter. Ad not yet returned from R-4 although notice was sent on 10.2.04 by Regd. post. Hence, service is treated sufficient on him.

Time is granted till 7.5.04 to file counter.

*[Signature]*  
24.04  
REGISTRAR

Counter Not Filed.

Order dt. 7.5.04

Applicant is absent on call. On the prayer of Mr. P.C. Panda, Ld. A.S.C., time is granted till 22.6.04 to file counter.

*[Signature]*  
07/5/04  
REGISTRAR

Counter Filed - copy served for further orders.

Order dated 22/07/2004

Applicant, a retired Railway employee, has filed this Original Application under Section 19 of the A.T. Act, 1985, for a direction to Respondents to grant him 2nd financial upgradation by implementing the Assured Career Progression (A.C.P.) Scheme vide under Estt. Sl. No. 288/99.

The services of the applicant was regularised on 6.7.1993 (with effect from 1.9.1973) vide Railway's order No. SPM/CTC/E/POR/TS/450 and his name was placed at Sl. No. 112 under Annexure-A/1 by granting him pay scale of Rs. 750-940/-. It is the case of the applicant that as per the recommendation of the 5th Central Pay Commission, the Ministry of Railways introduced the A.C.P. Scheme to deal with promotions/of genuine stagnation cases faced by its employees due to lack of adequate promotional avenues; as is seen under Annexure-A/2 dated 1.12.1999. The applicant (who retired from service, having rendered 28 years of service, on 31.8.2001) did not get the benefit under the A.C.P. Scheme; for which he submitted a representation on 6.5.2002 with prayer to grant him 2nd financial upgradation under the A.C.P. Scheme; as he had already rendered more than 28 years of regular service and to pay him differential arrear dues at the upgraded stage for the period from 1.12.1999 to 31.8.2001 and also to grant him differential arrears of pension, commutation value of pension, D.C.R.G. and leave salaries. He also submitted a reminder

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order dt. 22.6.04

Counter has already been filed after service of copy, on the prayer of Ld. Counsel for the applicant, time is granted till 22.7.04 to file rejoinder.

22/6/04  
REGISTRAR

For orders on  
Memo.

legn

Order dt. 6.7.04

Ld. Counsel for the applicant as well as Ld. A.S.C is present. Ld. Counsel for the applicant has filed memo by submitting therein that he does not want to file rejoinder, heard.

In view of the memo, pleadings are complete.

List this matter before Bench for final hearing in its turn.

22/6/04  
REGISTRAR

on Memo

MA. 491/04 filed for fixing a date of hearing, copy sent.

under Annexure/A-5 and having received no response, he has moved this Tribunal in the present O.A.

By filing a counter the Respondents-Railways have disclosed as under vide Paras-7 and 8:-

"...it is humbly submitted that this applicant retired from Railway service on 31.8.2001 until which date, no administrative decision had been taken on the implementation of Annexure-A/2 to the O.A. Subsequently, when an administrative decision was also taken, all those staff who are on roll were first considered by the screening committee for adjudging their suitability on the basis of available records. As this applicant had been retired, his service sheet has already been sent to the Sr.DFM/East Coast Railway/Khurda Road and in the absence of the service sheet, no formal verifications could be made on the claim of this applicant for ACP benefit. However, on collection of the Service sheet from the Sr.DFM's office/Khurda Road, the same will be put up before the screening committee for ACP benefit, for adjudging the suitability and this applicant will be called for appearing in the screening committee and the said committee will decide the applicant's eligibility/entitlement for the 2nd ACP benefit. For drawing arrear of the ACP benefit, if he is otherwise found suitable for the ACP benefit, it will require minimum of 6 months time.

Thus, in the facts and circumstances of the case, it is humbly submitted that six months' time may be allowed for examining the case of this applicant and for drawal of arrears of ACP benefits in favour of the applicant".

In view of the above statement of the Respondents, as made in the counter, there remains nothing more to be adjudicated by this Tribunal. Therefore, this O.A. is disposed of with direction to Respondents to grant A.C.P. benefits to the applicant within a period of

legn



0A 02/04

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On Memo

MD 524/04 for  
app. orders; copy sent

le  
rop

Remb

On. Dr. 22.7.04

Copies of order  
prepared for counsel  
for both sides.

le  
sfe

Dr. 22.7.04

120 days from the date of receipt of copies  
of this order. No costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

22/07/04