

9

O.A. 88/2004 & 447 & 448  
of 2004

Order dated 20.6.2005

None appeared for the applicant nor the applicant did appear in person when called. However, Ms.S.L.Patnaik, learned Addl.Standing Counsel appearing on behalf of the Respondents was present and heard and with her aid and assistance, we have perused the materials placed on record.

In this Original Application, applicants, three in number, have approached the Tribunal ventilating their grievance that they were not given the benefit under the Assured Career Progression (in short A.C.P.) Scheme during their service career. All the three applicants have since retired on superannuation from their services.

The Respondents by filing a detailed counter have opposed the prayer of the applicants. They have stated that it is factually incorrect to say that all the applicants were not given the benefit under the A.C.P.Scheme. It is their submission that those three applicants have been given all the dues/services benefits as available to the railway servants. Further, the Respondents, by giving details/particulars in respect of each of the applicants have submitted that applicant Nos. 1 and 2 had got two promotions on regular basis and applicant No.3 had got three promotions on regular basis during their service period and therefore, in terms of the ACP Scheme, they having received two or more promotions during their service career, ~~they~~ were not entitled to

2

10  
the benefits under the said Scheme as per Establishment Sl. No.288/99 (Annexure-R/1). The aforesaid averment made by the Respondents in their counter has not been rebutted by the applicant by filing any rejoinder.

We have also gone through the ACP scheme and found that as submitted by the Respondents, the ACP Scheme has been introduced to grant two financial up gradations to the employees, provided they have no promotional avenues. In the instant case as all the applicants have got two or more promotions during their service career, the Respondents have rightly not considered their cases for grant of benefit under the ACP Scheme and therefore, it is held that the ACP Scheme being not applicable to their cases, they do not have any cause of grievance to ventilate before the Tribunal

Having regard to the above facts of the case, we are of the view that the applicants have not been able to make a case for any of the reliefs prayed for. In the circumstances, the O.A. fails. No costs.

  
**VICE-CHAIRMAN**

  
**MEMBER(JUDICIAL)**