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O.A. No. 519/05

ORDER DATED 9<sup>th</sup> May, 2008

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)  
Hon'ble Mr. C.R. Mohapatra, Member (A)

Two applicants have jointly filed this Original Application praying that Annexures-A/5, A/7 and A-9 may be quashed and the Respondents may be directed to grant the benefit of ACP Scheme which is allowed to the Govt. employees as per Annexure-2.


2. The applicants have already approached this Tribunal by filing several Original Applications and finally by filing O.A.1414/03 and O.A. No.449/04. Vide order of this Tribunal, Respondents were directed to reconsider the claim of the applicants. However, after considering the grounds urged in the earlier O.As and the reason given by this Tribunal, the authority has now found that the applicants are not entitled to the benefit of ACP Scheme and has rejected their claims as per Annexures-7, 8 & 9 respectively. Aggrieved by the above orders, the applicants have filed this present O.A. with the above prayers as mentioned in the first paragraph of this order. This Tribunal have gone through the entire records of the O.A and heard the Counsel appearing for and on behalf of the Respondents and perused the counter filed on behalf of the Respondents. The main grounds urged in the O.A are that since they

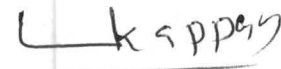
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were appointed on 14.02.64 and 27.02.64 as U.D.Cs and they were subsequently promoted as Selection Grade Auditors during 1975 and that on bifurcation of the posts they were not given any promotion as such according to them. However the applicants have also stated that the clarification made by the Department of Personnel and Training is not applicable to the applicants with regard to the awarding of benefits under ACP Scheme. Further this is the case of the applicants that as they have completed more than 24 years of service, they ought to have been given 02 promotions. Now the applicants retired from service during 2001. At the same time it is stated in the counter affidavit filed for and on behalf of the Respondents that the applicants have already been given promotion on 19.12.1986 and 04.02.1987 respectively. Further it is the case stated in the counter affidavit that even though the ACP Scheme came into force during 1999 after promotion to the post of supervisor the applicants might have completed 12 years of service or more, but that was prior to the implementation of this Scheme. Apart from that it is also stated in the counter that the applicants had not passed the departmental examination for promotion to the post of Section Officer Grade. As per the provision of the ACP Scheme the employees completing 12 years and 24 years of service and on passing the Departmental Promotion ~~are~~ stagnating due to non availability of promotion post, are entitled to the benefit of ACP Scheme. Considering the above Scheme and the clarification given by the Department, we are of the view that the grounds urged by the applicants are not tenable to interfere in the matter. Apart from that it is seen that this Tribunal had already considered their case and considering the entire provision

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of ACP Scheme, the applicants are not eligible for the second financial upgradation, as stated in the Annexures A-7, 8 & 9. Accordingly, we find no grounds to allow this O.A. Consequently this O.A is dismissed. No order as to cost.

  
MEMBER (A)

  
MEMBER (J)