

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application Nos. 750 & 643/2002
Cuttack, this the 26th day of July, 2004

CORAM:

HON'BLE SHRI B.N.SCM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R.MOCHANITY, MEMBER (J)

IN O.A. NO. 750/2002

Smt. Swarnaprava Sahoo, aged about 43 years, wife of Shri Pratap Kishor Sahoo, resident of Plot No. N/ -211, IRC Village, At/P.O. Nayapalli, Bhubaneswar-751045, Dist-Khurda, State-Orissa.

..... Applicant

By the Advocate(s) Mr. K.C.Kanungo,
R.N.Singh, S. Behera

Vrs.

1. Union of India represented through the Secretary to Government of India, Ministry/Department of Science and Technology, Technology Bhawan, New Mehrauli Road, New Delhi- 110016.
2. The Surveyor General of India, Survey of India Hathi-barkala Estate, Dehra Dun- 248001, State-Uttaranchal.
3. The Additional Surveyor General, Eastern Zone, Survey of India, 13, Wood Street, Kolkata, 700016, State-W.Bengal.
4. The Director, South Eastern Circle, Survey of India 2nd Floor, Survey Bhawan, P.O.-Regional Research Laboratory, Bhubaneswar-751013, Dist-Khurda, State-Orissa
5. The Office-in-charge, No.11 Drawing Office, South Eastern Circle, Survey of India, 4th Floor, Survey Bhawan, P.O.-Regional Research Laboratory, Bhubaneswar-751013

..... Respondent(s)

By the Advocate(s) Mr. A.K.Bose

IN O.A. NO. 643/2002

Shri Dinabandhu Prusty, aged about 46 years, son of Shri Subal Prusty, resident of Qrs. No. Type II/3, Survey of India Residential Colony, Nayapally, P.O. Regional Research Laboratory, Bhubaneswar-751013, Dist-Khurda, State-Orissa.

..... Applicant

By the Advocate(s) K.C.Kanungo, S. Behera,
R.N.Singh, S. Mohapatra,
B.Das.

Vrs.

1. Union of India, represented through the Secretary of Govt. of India, Ministry/Department of Science and Technology, Technology Bhawan, New Mehrauli Road, N. Delhi-110016.
2. The Surveyor General of India, Survey of India Hathi-barkala Estate, Dehra Dun-248001 (Uttaranchal).
3. The Additional Surveyor General, Eastern Zone, Survey of India, 13, Wood Street, Kolkata 700016 (West Bengal).

4

4. The Director, South Eastern Circle, Survey of India,
2nd Floor, Survey Bhawan, P.O. Regional Research
Laboratory, Bhubaneswar-751013, District-Khurda,
State- Orissa.
5. The Officer-in-charge, No.10 Drawing Office, South
Eastern Circle, Survey of India, 1st Floor, Survey
Bhawan, P.O. Regional Research Laboratory Bhubaneswar-
751013, District-Khurda, State-Orissa.
6. The Office-in-Charge, No.11 Drawing Office, South
Eastern Circle, Survey of India, 4th Floor, Survey
Bhawan, P.O. Regional Research Laboratory, Bhubaneswar-
751013, District-Khurda, State-Orissa.

..... Respondents

By the Advocate

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Mr. A.K.Bose,

8

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

The issue raised and the law point involved being common in both the O.A.s, namely, O.A. 643/02 and 750/02, we are dealing with both the matters by this common order. For the sake of convenience we will discuss the matter in O.A. No. 750/02.

2. The Applicants in this O.A. have assailed the order dated 28.08.01 issued by Respondent No.2 (Annexure-4) denying the benefits of A.C.P. Scheme to them who are Division-II, Grade-II employees of Survey of India. They are also aggrieved that Respondent No.1 to whom they submitted representations had not disposed these of, even though more than 10 months time has elapsed since then.

3. The Applicants were recruited as T.T.'B', Draughtsmen in Survey of India, one in 15 November 1978 and the other in 14 September 1979 and by passing trade tests for Draughtsmen qualified for higher grades of pay scales. Their grievance is that inspite of having rendered more than 22 years of regular service they could not avail of any regular promotion. The 5th Central Pay Commission in its report had made certain recommendations to mitigate the hardship faced by Central Government employees who stagnate without regular promotion for long years. Accordingly, the Government of India had introduced Assured Career Progression Scheme (in short ACP Scheme) by virtue of which employees are assured two pay upgradations during their service career to the next higher

2

scale of pay first one after 12 years and the second one after 24 years of service. As the benefit of the said scheme has not been made available to them, they have therefore approached the Tribunal with a prayer to quash the order at Annexure-4 and to direct the Respondents to extend the benefit of A.C.P. Scheme w.e.f. 9.08.99.

4. We have heard the Id. Counsel for both the parties and have perused the records placed before us.

5. During the course of argument, the Id. Standing Counsel for the Respondents by filing M.A. No. 1065/03 have submitted that the competent authority has already approved the benefits of the A.C.P. Scheme and accordingly the said scheme has been extended for all Division-II, Grade-II and Division-I employees of Survey of India. By filing a copy of order of Survey of India dated 28.10.03 (Annexure-R4) it has been disclosed that the Division-II, Grade-II employees who have completed at least 12 years service at Division-II, Grade-II in the pay scale of Rs. 4500-7000/5000-8000 will be eligible to be considered for first financial upgradation in the hierarchy to Div-I in the pay scale of Rs. 5000-8000/5500-9000 if they have not been promoted in the pay scale of Rs. 5000-8000/5500-9000. Similarly, Div.I employee in the pay scale of Rs. 5000-8000/5500-9000 who have completed 24 years service taken together in Div.II, Grade-II and Div.I will be eligible to be considered for that second financial upgradation in the hierarchy to Grade-II(Group B cadre) in the pay

3

10
scale of Rs. 6500-10500 and Assistant Stores Officer in the pay scale of Rs. 5500-9000 if they have not been promoted to these posts. They have also been given the benefit of FR22(1(A)(1)) in terms of the A.C.P. Scheme. The Id. Counsel for the applicants have submitted before us that the A.C.P. Scheme granted by Survey of India vide its letter dated 28.10.03 though on provisional basis, is acceptable to the Applicants. With the acceptance of the A.C.P. Scheme as offered to the applicants, nothing survives in this O.A. for further adjudication as full relief has been made available to the applicants.

6. In the circumstances, this O.A. is disposed of as infructuous.

MEMBER (JUDICIAL)

VICE-CHAIRMAN

RK/SD