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O.A.NO.114 OF 2007

ORDER DATED 23.03.07

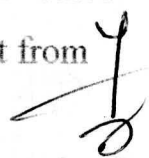
Heard Mr.S.Pattnaik,Ld.Counsel for the Applicant and Mr.U.B.Mohapatra,Ld.Sr.Standing Counsel for the Respondents; on whom a copy of this O.A. has already been served.

2. Refusal to grant ACP benefit to the Applicant, with effect from 10.10.1999, is the subject matter of this Original Application filed under Section 19 of the AT Act, 1985.

3. It appears that the stand of the Respondents are that the Applicant would only be eligible to get ACP benefits during the year 2011; because the temporary nature of services (rendered by the Applicant at the initial stage of his engagement into the government service)are not liable to be computed for grant of ACP benefits.

4. The Applicant's Counsel has placed on record a Judgement of Hyderabad Bench of this Tribunal and said that the experiences gathered prior to the issuance of order of regularization of services of the Applicant cannot be ignored for the purpose of computation of the period for grant of ACP benefit.

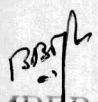
5. It appears that the Applicant entered into the government service w.e.f. 10.10.1987 and that, by virtue of an order dated 12.05.1997 of this Tribunal, his services were regularized right from



10.10.1987. Therefore, entire experience gathered right from 10.10.1987 cannot be ignored for the purpose of granting ACP benefit.

6. In the aforesaid premises, this case is disposed of and the matter is remitted back to the Respondents for re-examining the grievances relating to grant necessary ACP benefit to the Applicant w.e.f. 10.10.1999. Respondents, however, after re-examination of the case of the Applicant need pass a fresh order (notwithstanding the order that was passed under Annexure-A/7 dated 25.01.07) within a period of sixty(60) days from the date of receipt of this order; by treating the averments of the Applicant (as made in the O.A.) to be the representation (of the Applicant) to the Respondents.

7. Send copies of this order to the Respondents along with copies of the O.A. Free copies of this order be handed over to the Ld. Counsel appearing for both the parties.


MEMBER (ADMN.)


VICE-CHAIRMAN