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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.798 OF 2010

Cuttack the 19th day of Aug, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER
HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER

Sri Ajit Kumar Mitra,
aged about 60 years,
Son of Jagannath Ballav Mitra,
Plot No.45, Bhudhanagar,
PO-Bhubaneswar-6, Dist-Khurda,
Ex-Senior Accountant,
in the Office of the Accountant General (A&E),
Orissa, Bhubaneswar.

...Applicant

(Advocates: M/s-U.K. Sahoo, J.K. Mohapatra, S. Dhal, S.K. Mohanty)

VERSUS

Union of India Represented through

1. The Comptroller and Auditor General of India,
Bahadur Shah Zafar Marg,
New Delhi-11002.
2. Accountant General(A&E),
Orissa, Bhubaneswar-1, Dist-Khurda.
3. Senior Deputy Accountant General (Admn.),
In the Office of the A.G. (A&E),
Orissa, Bhubaneswar-1, Dist-Khurda.

... Respondents

(Advocate: Mr. S.B. Jena.)

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ORDER(Oral)

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

In this Original Application the prayer of the applicant is for a direction to the Respondents to allow him two financial upgradations under ACP Scheme w.e.f. 01.04.1998 and under MACP w.e.f. 01.09.2008 and accordingly to direct the Respondents to revise his pension and financial benefits and pay him the arrears accordingly within a specific time. His contention is that he entered into service on 07.05.1974 as Auditor (Annexure-A/1), promoted as Senior Accountant in the year 1987 and retired voluntarily on 08.06.2009. As per the ACP Scheme he was entitled financial upgradation after completion of 12 years and 24 years regular service. His further contention is that interms of MACP an employee is entitled to three financial upgradation i.e., after completion of 10, 20 and 30 years of regular service. Therefore, he was entitled for 2nd financial upgradation after 24 years of service under ACP and 3rd financial upgradation after completion of 30 years under MACP. On the above background being aggrieved by the non sanction of his financial upgradation he has approached this Tribunal in the instant O.A. with the aforesaid prayer.

2. Respondents have filed their counter, in which so far as the financial upgradation under ACP is concerned it has been stated that necessary steps have been taken to consider the applicant's claim for ACP by convening a Review DPC shortly and necessary orders depending upon the finding /recommendation of such Review DPC to the effect would be issued.

3. In so far as the prayer of the applicant for grant of financial benefits under MACP is concerned which has been stated by the Respondents in their counter that the case of the applicant was placed before the Selection Committee convened in 2009 to consider his suitability. The CRs of the applicant for the previous five years i.e. from 2003-2004 to 2007-08 were made available before the Screening Committee to determine his suitability. As the applicant did not satisfy the minimum bench mark for 'Good' as prescribed for grant of financial benefits due to 'Average' CRs he earned during the period from 2003-04 to 2005-06, the Screening Committee which met on 02.07.2009 did not find the applicant fit for the financial benefit extended under MACP w.e.f. 01.09.2008.

4. We have heard Sri U.K. Sahoo, Ld. Counsel for the applicant and Sri S.B. Jena, Ld. Addl. Central Govt. Standing Counsel for the Respondents and perused the records.


5. On being asked, none of the parties ² have been able throw any light with regard to the result of the consideration of the Screening Committee ^{that} ~~and~~ considered the case of the applicant for grant of financial upgradation under ACP.

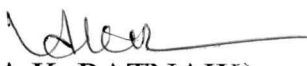
6. Counter has been filed on 18.05.2011. Therefore, we hope by this time the Respondents ² ~~who~~ might have intimated the result of the applicant for consideration/grant of the financial upgradation under ACP to the applicant. If not already has done the Respondents are directed to do so within a period of 60 (sixty) days from the date of receipt of copy of this order. In so far as the grant of MACP is concerned it has been contended

[Signature]

by the Ld. Counsel for the applicant that the Respondents denied the applicant the financial upgradation under MACP based on the average grading in the ACR of the applicant for the period 2003-04 to 2005-06 but such grading have never been communicated to the applicant at any point of time. Therefore, applying the law laid down by the Hon'ble Apex Court in several cases Respondents ^{are} under obligation to grant the benefit under MACP by ignoring the marks in his ACRs for the period 2003-04 to 2005-06. On the other hand this was contested by Sri Jena, Ld. Addl. Central Govt. Standing Counsel for the Respondents by stating that the applicant for the first time raised this point in this O.A. and he has never raised this point before the authority prior to filing of this O.A. The Respondents considered and rejected the claim of the applicant based on the scheme which needs no interference by this Tribunal.

7. We have carefully considered the arguments advanced by the parties and grant liberty to the applicant to make an exhaustive representation pointing out the ^{issues} ~~points~~ which are now canvassing ^{ed} ~~ing~~ in this O.A. within a period of 15 days and upon receipt of such representation the Respondents are directed to look ^{into} ~~upon~~ the grievance of the applicant and pass a reasoned order within a period of 60 (sixty) days from the date of receipt of such representation. With the above observation and direction this O.A. is disposed of. No costs.


(R.C. MISRA)
ADMN. MEMBER


(A.K. PATNAIK)
JUDICIAL MEMBER