

5

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A.No.311 of 2009

Abdul Habib Applicant

Versus

Union of India & Ors Respondents

.....

Order dated : 25.7.2011

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Applicant is a Lutter working in the Office of the DEW, ECoRly, Cuttack. In essence his prayer in this OA is to direct the Respondents to extend the benefit of the order dated 12.12.2008 of this Tribunal in OA No. 397 of 2007 by placing him in the scale of pay of Rs.4000-6000/- under ACP scheme w.e.f. 1-10-1999. Respondents opposed the prayer of the applicant on the ground that the applicant was initially appointed as a temporary Lutter Gr. D w.e.f. 24.4.75 in the scale of pay of Rs.210-290. Subsequently he was allowed the pay scale of Rs.950-1500/- w.e.f. 01-01-1986 as per the order of this Tribunal in OA No. 364 of 1998. Thereafter the applicant was promoted to the post of Lutter Gr.II w.e.f. 01-11-2003 in the scale of pay of Rs.4000-6000/- under restructuring of cadre then to the

(L)

6

post of Lutter Gr. I w.e.f. 17.12.2007. The case of the applicant was examined by the Respondents but rejected on the ground that the applicant had not completed 12 years of service prior to his promotion and hence question of extending the benefit under the ACP scheme does not arise. Applicant filed rejoinder in which it has been stated that similar matter came up before this Tribunal in OA No. 397 of 2007 (Sashadhar Kuila v UOI and others). After examining the whole matter this Tribunal in order dated 12th December, 2008 quashed the order of rejection and directed the Respondents to re-examine the matter once again in the light of the observations made therein. In the counter nothing has been stated with regard to the applicability of the order dated 12.12.2008 of this Tribunal in OA No. 397 of 2007 although it is the specific stand of the applicant that in view of the above order the applicant is entitled to first financial up-gradation under ACP scheme w.e.f. 01-10-1999.

In view of the above, we dispose of this OA with direction to the Respondents to examine/re-examine the prayer of the applicant with reference to the order dated 12.12.2008 in OA No. 397 of 2007 and communicate the

(L)

7

result thereof in a well reasoned order within a period of 120 days from the date of receipt of this order. No costs.

AKP
(A.K.Patnaik)
Member (Judl.)

CRM
(C.R.Mohapatra)
Member (Admn.)

