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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR.

Date of Decision: 05.3.2002

1. OA 52/2001

Prem Lal and Mahendra Singh, both working on the post of Cattle Attendant in Central Cattle Breeding Farm (CCBF), Suratgarh, Distt. Sriganganagar.

... Applicants

2. OA 54/2001

Ranchod Das, Nathu Ram, Kamla Pal, Annurudh Pal and Rameshwarlal Pal, all working on the post of Milker in the Central Cattle Breeding Farm, Suratgarh, Distt. Sriganganagar.

... Applicants

v/s

1. Union of India through Secretary, Ministry of Agriculture, Department of Animal Husbandry & Dairying, Krishi Bhawan, New Delhi.
2. Director, Central Cattle Breeding Farm, Suratgarh, Distt. Sriganganagar.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN
HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicants ... Mr.s.k.Malik
For the Respondents ... Mr.S.K.Vyas

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

Applicants in both these OAs are similarly placed and aggrieved by the same order i.e. order dated



ex 27.3.2000 (Ann.A/1). Therefore, these are being decided by this common order.

2. The applicants belong to Group-D category and were given benefit under the ACP Scheme vide order dated 4.2.2000 (Ann.A/5). They were given second upgradation under ACP Scheme, apparently because of the fact that they had completed 24 years of service. Later, vide order dated 27.3.2000 (Ann.A/1), the upgraded scale has been withdrawn in respect of the applicants. The impugned order does not reveal any reason therefor. When the matter was taken up for hearing, learned counsel on ~~side~~ either side drew our attention to Ann.R/2, by which the benefit withdrawn from the applicants gets restored. In view of the order dated 12.2.2001 (Ann.R/2), the cause of grievance does not survive. However, the learned counsel for the applicants submitted that despite this order dated 12.2.2001 the benefit, which had been withdrawn from the applicants, has not been restored. The ~~know~~ learned counsel for the respondents admits that in view of the order dated 12.2.2001 the benefit needs to be restored.

3. We have heard the learned counsel and carefully perused the material on record.

4. It is apparent that vide order dated 12.2.2001 (Ann.R/2) the government introduced a new pay scale to Group-D employees of Rs.2610-4000. This was designated as S-2A pay scale. Before grant of second

upgradation under ACP Scheme vide order dated 4.2.2000 (Ann.A/5), the applicants have been placed in the pay scale of Rs.2650-50-4000, which was termed as S-3 pay scale. The benefit under ACP had been withdrawn on the plea that those placed in S-3 pay scale were not entitled to upgradation under ACP Scheme. However, with the introduction of S-2A pay scales the applicants, as per statement of the respondents, are to be ~~xxx~~ placed in S-2A pay scales w.e.f. 1.1.96, for which purpose their options have already been called for. It is admitted by the respondents that after placing the applicants in S-2A pay scale the matter of second ACP will be considered for allowing the pay scale of Rs.2750-4400. Obviously, by their own admission, the applicants were due for second ACP and it was not correct on the part of the respondents to have withdrawn the benefit granted on the plea that the applicants had first to be placed in S-2A pay scale. S-2A pay scales are applicable w.e.f. 1.1.96 and the applicants have to be allotted that scale w.e.f. that date by fixing their respective pay appropriately. But w.e.f. 9.8.99 they are entitled to the second ACP and the pay scale of Rs.2750-4400. There was no reason to have withdrawn this benefit.

5. We, therefore, quash the impugned order dated 27.3.2000 (Ann.A/1) and direct the respondents to implement the order dated 12.2.2001 (Ann.R/2) and restore the benefit granted to the applicants earlier vide order dated 4.2.2000 (Ann.A/5). The respondents shall comply with this order within one ~~month~~ month

from the date of this order.

6. The OA stands disposed of accordingly with no order as to costs.

Chp 5/3/2002
(A. P. NAGRATH)
MEMBER (A)

O.P.G
(JUSTICE O. P. GARG)
VICE CHAIRMAN

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13/3

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2001/8/20
FBI Lab

Part II and III destroyed
in my presence on 2001/8/20
Under the supervision of
Section officer (1) as per
Serial number 1452007
Section officer (2) as per
Serial number 1452008