

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 169/2008

Date of Order: 20.02.2009

**HON'BLE MR. N.D. RAGHAVAN, VICE CHAIRMAN
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER**

Madan Singh Shekhawat Son of Shri Jaggan Nath Singh, aged 54 years, Meter Reader in the office of Garrison Engineer, MES Abohar, District Ferozpur R/o village Gudha Gorji Ka, District Jhunjhunu.

...Applicant.

Mr. Vijay Mehta, counsel for the applicant.

VERSUS

1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sri Ganganagar.
3. Chief Engineer, Western Command, Chandi Mandir.
4. Garrison Engineer, MES, Lalgarh Jattan, District Sri Ganganagar.
5. Garrison Engineer, MES, Abohar, District Ferozpur.

...Respondents.

Mr. D.S. Sodha, proxy counsel for
Mr. Kuldeep Mathur, counsel for the respondents.

ORDER

[Per Mr. Tarsem Lal, Administrative Member]

Applicant, Madan Singh Shekhawat, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, and prayed for the following relief:

"The applicant prays that the respondents may kindly be directed to forthwith make fixation and to make payment of financial upgradations of ACP in compliance of orders Ann A 1 to Ann A 3 to the applicant. Interest at the rate of 18% may kindly be



[Signature]

awarded to the applicant on the due amount. Costs may also be awarded to the applicant."

2. The brief facts as relevant to the case are that the applicant was initially appointed as Mazdoor on 01.11.1978 and due to reclassification, he was freshly appointed against LRS on the post of Meter Reader on 17.06.1982.
3. The Government of India introduced the Scheme of ACP on 09.08.1999, which provides giving financial up-gradation on completion of 12 and 24 years of service. The applicant completed 12 and 24 years of service on the post of Meter Reader without availing of any promotion. However, in spite of his representations, he was not granted benefits of ACP. Therefore, he had filed O.A. No. 100/2007 before this Bench of the Tribunal, which was disposed of vide order dated 02.08.2007 directing the respondents to pass reasoned and speaking order on the representations of the applicant. Thereafter, the respondent No. 3 vide his order dated 02.11.2007 (Annex. A/1) granted benefit of first and second ACP w.e.f. 09.08.1999 and 17.08.2006, respectively. The respondent No. 4 vide his order dated 03.12.2007 (Annex. A/2) granting pay scale of Rs. 4000-100-6000 to the applicant. Thereafter, respondent No. 4 vide his order dated 10.12.2007 (Annex. A/3) issued orders granting pay scale of Rs. 4500-125-7000 to the applicant. Despite orders at Annexure A/2 and A/3 and personal requests made by the applicant to the respondents, the requisite payment was not made to the



AS

applicant. The applicant made a representation dated 15.05.2008 (Annex. A/4) and respondent No. 3 directed the respondent No. 2 vide his letter dated 04.06.2008 to take necessary action for arranging payment to the applicant. The respondent No. 2 vide his letter dated 18.06.2008 (Annex. A/5) directed the respondent No. 5 to take necessary action as per direction contained in para 3 and 4 of order dated 02.11.2007 (Annex. A/1).

4. In spite of completing all the formalities and personal requests to the respondents, the fixation and payment in compliance of the orders issued vide Annex. A/1, A/2 and A/3 have not been made to the applicant so far. The applicant is suffering from financial loss and pain in this period of rising prices. No reasons whatsoever have been disclosed for not arranging the payment of the benefits of the first and second ACP. Aggrieved by the above, the applicant has filed this present Original Application and prayed for the relief as given in para 1 above.
5. The respondents have filed a brief reply stating that the necessary action for pay fixation of the applicant and payment thereof has already been initiated by the present respondents. There is absolutely no intentional delay on the part of the respondents in making proper pay fixation etc., of the applicant after granting him the benefit of ACP.
6. The respondents further stated that the applicant will be paid immediately as soon as fixation of his pay is finalized

by Record Office, Headquarters, Chief Engineer, Western Command, Chandi Mandir. As the applicant's fixation of pay is in the stage of finalization and he is being paid full ACP benefits by the Department, the present O.A. deserves to be dismissed.

7. Learned counsel for the parties have been heard. They have generally reiterated the arguments already given in their respective pleadings.
8. Learned counsel for the respondents stated that the respondents have already taken all the necessary action for pay fixation and payment of financial benefits on account of ACP. Since the case regarding grant of ACP is required to be approved by the higher authorities, it will take some time before the same is finalized/settled. The learned counsel for the respondents requested for grant of three months time for completing the requisite requirements and making payment to the applicant. The learned counsel for the applicant had no objection to the same.
9. This case has been considered carefully and documents placed on record have also been perused.
10. It has been seen from the reply furnished by the respondents that the necessary action for pay fixation of the applicant and payment thereof has already been initiated by the respondent and they have also confirmed that there is absolutely no intentional delay on the part of



the respondents in making proper pay fixation and grant him the financial benefit of ACP. The respondents stated that the applicant will be paid immediately as soon as fixation of his pay is finalized for which his case has already been sent to Record Office, Headquarters, Chief Engineer, Western Command, Chandi Mandir.

11. It, therefore, appears from the above information provided by the respondents that the case of the applicant for grant of ACP benefits is under finalization and has been sent to the higher authorities for their approval. In view of this, the respondents are directed to finalize and make payment of financial benefits to the applicant on account of ACP in compliance of order dated 02.11.2007 (Annex. A/1), order dated 03.12.2007 (Annex. A/2) and order dated 10.12.2007 (Annex. A/3) within a period of three months from the date of receipt of a certified copy of this order.

12. The Original Application is, therefore, disposed of with the above observations and directions. There shall be no order as to costs.


[Tarsem Lal]
ADMINISTRATIVE MEMBER


[N.D. RAGHAVAN]
VICE CHAIRMAN

Mar
07/07/15
213109.

Recd
S. S. M.

Part II and III destroyed
In my presence on 07/07/15
under the supervision of
Section Officer (S) as per
order dated 07/07/2015

Section Officer (Record)