

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.60/2012

Jodhpur, this the 04th day of April, 2016

CORAM

Hon'ble Dr. K.B. Suresh, Judicial Member

Hon'ble Ms. Praveen Mahajan, Administrative Member

Parbat Singh Champawat S/o Shri Padam Singh, aged about 54 years, R/o B-6/1, Sir Pratap Colony, Airport Road, Ratanada, Jodhpur, District Jodhpur, Rajasthan, at present employed on the post of Wool Marketing Development Officer, Central Wool Development Board, Bikaner, Rajasthan.

.....Applicant

Mr. Parbat Singh Champawat, applicant, present in person.

Versus

1. Union of India through its Secretary, Ministry of Textile, Government of India, New Delhi.
2. Central Wool Development Board, through its Chairman, presently being officiated by Vice Chairman and Joint Secretary, Ministry of Textiles, Government of India, Udyog Bhawan, New Delhi.
3. Executive Director, Central Wool Development Board, Ministry of Textiles, C-3 Shastri Nagar, Jodhpur.
4. Senior Audit officer, IC-III Branch, Office of the Principal Accountant General (Civil Lekha Pariksha), Rajasthan, Jaipur.

.....respondents

Mr. Rakesh Arora, counsel for respondents No.1 to 3.

Mr. K.S. Yadav, counsel for respondent No.4.

ORDER (Oral)

Heard. The applicant was initially appointed as a Purchase Officer on 28.03.1979 in Rajasthan State Cooperative Sheep and Wool Marketing Federation and he had apparently joined the respondent department on 18.10.1989 on deputation basis on the post of Deputy Manager Marketing

Development Officer (WMDO) on 11.11.1994. Therefore, he claims that his eligibility for 2nd ACP would come on 28.03.2003. The question therefore is that on his deputation and later on his absorption, he was absorbed as Wool Marketing Development Officer, which is a promotion post and whether it will be an upgradation as stated by Hon'ble Apex Court. The applicant would say that it is not a promotion, it was just an absorption. But then, he was at the level of DMM and he was absorbed one step higher i.e. WMDO, which according to the respondents is equivalent to promotion. We are inclined to agree with the respondents that it might be a promotion as stipulated by the Hon'ble Apex Court wherein it said that there has to be financial upgradation, therefore if it is to be considered as a promotion then even though his appointment may not be a fresh appointment, the second ACP benefit may not be applicable to him.

Our attention has been drawn to Annexure -A/1 and the process of recovery initiated against the applicant. The Hon'ble Apex Court has held that stale matter cannot be taken up. We see from the record that there is no juncture of the applicant on this benefit being granted to him, and therefore, there cannot be a recovery as stated in Annexure-A/1. To this extent, the Annexure-A/1 is hereby quashed but the OA ~~does~~ not lie as the second benefit is already granted to the applicant.

The OA is thus disposed of as stated above with no order as to costs.


[Ms. Praveen Mahajan]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member