

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A No.47/2005

Monday the 9<sup>th</sup> October 2006

## C O R A M:

HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBERB.Bhuvanendran Nair, S/o Mr.K.Bhaskara Pillai  
Bhaskara Mandiram, Nediyankode,  
Dhanuvachapuram PO, Trivandrum.

Applicant

(By Mr.V.Santharam, Advocate)

Vs.

- 1 Union of India represented by its Secretary,  
Ministry of Defence, New Delhi.
- 2 Union of India, Ministry of Personnel, Public Grievances  
and Pensions, Deptt of Personnel & Training, North Block, New Delhi.
- 3 The Flag Officer, Commanding in Chief, Head Quarters  
Southern Naval Command, Cochin.
- 4 The Commanding Officer INS Venduruthy, Naval Base, Cochin.

Respondents.

(By Mr.TPM Ibrahim Khan, SCGSC)

ORDER

HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant joined the services of the respondents' organisation as Fireman Grade-II in 1980 and was promoted as Fireman Grade.I from 1.1.1985. Subsequently he had qualified in the Leading Hand Fire Promotion Test on 15.1.1986. According to the applicant he was appointed as Fire Engine Driver Grade-II w.e.f 10.11.1987 as a direct recruit.

- 2 Provisions exist for financial up-gradation after 12 and 24 years respectively in case the person did not have any promotion. The claim of the applicant is that since his

appointment as Fire Engine Driver Grade-II is under direct recruitment and since he had no promotion thereafter, he is entitled to the financial up-gradation in accordance with the ACP Scheme as per Annx.A1 OM dated 9.8.1999. The applicant has also referred to the names of other two individuals S/Sh.T.V.Rajan and K.Revi Kumar Achari in whose case such financial up-gradation was granted.

3 The respondents have stated that the positioning of the applicant as Fire Engine Driver Grade-II is by way of promotion and not appointment and since the applicant had been promoted twice from Fireman Grade-II to Fireman Grade-I and Fireman Grade-I to Fire Engine Driver Grade-II in accordance with para 5.1 of the ACP he is not eligible for the benefit of the Scheme. To substantiate that the positioning of the applicant as Fire Engine Driver Grade-II is by way of promotion, respondents have annexed copies of extract from the Service Book of the applicant as also copy of the Civilian Establishment List 38 of 87 dated 25.11.1987. In these documents, it has been clearly mentioned 'on promotion as Fire Engine Driver Grade-II'. In addition, the authority for the Civilian Establishment List cited above, namely the Southern Naval Command letter dated 4.11.1987 has also been produced for scrutiny. In the said letter also it has been indicated 'Transferred to INS Dronacharya and promoted as Fire Engine Driver Grade-II(TY.) in an existing vacancy'. This letter had more than one place referred to the promotion of the applicant. Option was also asked for from the applicant in accordance with Ministry of Home Affairs letter dated 26.9.1981. Thus the positioning of the applicant as Fire Engine Driver Grade-II is only by way of promotion and since this is the second promotion, the applicant is not eligible for the benefit of the ACP Scheme.

4 Accordingly, the O.A fails and is dismissed. No costs.

  
(N.Ramakrishnan)  
Administrative Member

  
(K.B.S.Rajan)  
Judicial Member.

kkj