

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.476/2002

Monday, this the 29th day of November, 2004.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

K.Gopi,
Refrigeration Engineer,
Integrated Fisheries Project,
Kochi-16. - Applicant

By Advocate M/s Santhosh & Rajan

Vs

1. Union of India represented by
the Secretary to Government of India,
Ministry of Agriculture,
Deptt. of Animal Husbandary & Dairying,
Krishi Bhavan, New Delhi.
2. The Secretary,
Ministry of Pesonnel, Public
Grievances & Pension,
Department of personnel & Trg.
New Delhi.
3. The Director in-Charge,
Integrated Fisheries Project,
Kochi-16. - Respondents

By Advocate Mr PMM Najeebkhan, ACGSC

The application having been heard on 16.11.2004, the Tribunal
on 29.11.2004 day delivered the following:

O R D E R

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

The applicant who is a Refrigeration Engineer in the
Integrated Fisheries Project (IFP), Kochi was granted first
Assured Career Progression(ACP) with financial upgradation
from Rs. 6500-10500 to Rs.7450-11500 with effect from 9.8.99.

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Dissatisfied with the financial upgradation, the applicant submitted representations to the Secretary to Government, Ministry of Agriculture (the first respondent) for granting him the financial upgradation in the scale of Rs.10,000-15,200. The representations were rejected by the first respondent by letter dated 14.2.2001, 16.8.2001 and 23.11.2001. Thereafter the applicant filed this O.A. for quashing A-2 granting him first ACP in the grade of Rs.7450-11,500 and declaring his eligibility to the first ACP in the scale of Rs.10,000-15,200 on 9.8.90.

2. Learned counsel for the applicant argued as follows: The applicant served in the C.P.W.D. for more than 7 years. He joined the IFP as Refrigeration Engineer in the pay scale of Rs. 6500-10,500 which is Class II Gazetted post equivalent to Assistant Engineer in CPWD. Assistant Engineers CPWD in the scale of Rs.6500-10,500 were granted ACP in the hierarchical grade of Rs.10,000-15,200. The pay scales, duties and responsibilities and the qualification of Engineer of all equivalent rank in CPWD and IFP being identical, the applicant is entitled to financial upgradation to Rs.10,000-15,200 as was given to the equivalent post of Assistant Engineer in CPWD. The representations of the applicant for granting him the scale of Rs.10,000-15,200 under the ACP scheme were rejected, ignoring the clarification given to doubt 44 and 56 regarding ACP scheme (A-16). As for doubt 44, it is clarified that the scale of pay for ACP of isolated posts are those applicable to similar posts in the same Ministries/Department cadre and that a similar approach can be

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adopted for all isolated posts belonging to common category for which pay commission had similarly recommended a uniform grade structure. As for clarification in response to doubt 56, it has been clarified that in respect of common category of posts existing hierarchy in relation to such common categories shall be the standard hierarchy and not the hierarchy in a particular office, for functional consideration may not have all the grades. The post of Refrigeration Engineer in IFP is not a feeder category for promotion to the higher post of Mechanical Marine Engineer in the scale of Rs.10,000-15,200. Moreover, the applicant does not have the degree in Engineering which is essential qualification for Mechanical Marine Engineer. In view of the bleak promotional prospects of the applicant in an isolated post, he is entitled to be upgraded in the scale of Rs.10,000-15,200 in the ACP scheme as was granted to equivalent post of Assistant Engineer. in CPWD.

3. Learned counsel for respondents contended as follows: The post of Refrigeration Engineer in IFP cannot be categorised as isolated post. As per clarificatory orders R1, an isolated post is a stand alone post, having neither feeder grade nor promotional grade. The post of Refrigeration Engineer is a promotional post for Plant Operators and Freezing Plant Operators. The applicant's plea for grant of the scale of Rs.10,000-15,200 which for the post of Mechanical Marine Engineer is not valid, as the applicant, without a degree in Engineering, is not qualified for the post of Mechanical Marine Engineer. This apart, the applicant is not

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eligible under the ACP scheme for placement in the scale of Rs.10,000-15,200. He was rightly given up financial upgradation to the scale of Rs.7450-11,500 which is the standard common scale of pay. The applicant's claim for financial upgradation to the scale of Rs.10,000-15,200 by comparing his post with the post CPWD is misconceived. The O.A. is liable to be dismissed.

4. We heard both sides and perused the pleadings. The applicant's contention for granting him financial upgradation to the scale Rs.10,000-15,200, on the ground that Refrigeration Engineer in IFP is an isolated post, is without substance. It is clarified by the Department of Personnel and Training, on ACP scheme, that the isolated post is a stand alone post with neither feeder nor promotional grade. Since the Refrigeration Engineer is a promotional post with feeder posts of Ice Plant Operators and Freezing Plant Operators, it is not an isolated post.

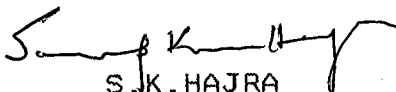
5. The clarification in response to doubt No.44 on ACP scheme on isolated post is of no avail to the applicant, who does not hold an isolated post. As regards clarification on doubt No.56, the post of Refrigeration Engineer or Mechanical Engineer in IFP cannot be categorised as common category post. So the applicant's plea on that ground does not fall within the clarification of doubt No.56. The applicant's contention for granting him financial upgradation of Rs.10,000-15,200 on the ground of parity between Refrigeration Engineer and

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Assistant Engineer is unsustainable. CPWD and IFP being two different organizations in all respects, the applicant's attempt of establishing equivalence of his post and Assistant Engineer, CPWD for the purpose of ACP benefit is unfounded.

6. In the light of the above discussion, we see no reason for giving the relief as prayed for in the O.A. to the applicant. Accordingly the O.A. is dismissed. No costs.

Monday, the 29th November, 2004.


S.K. HAJRA
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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