

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 509 OF 2012

Thursday, this the 4th day of April, 2013

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. Shri P.L.Joy
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5. Shri K.N.Ramachandran
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6. Shri V.Balasubramonian
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7. Smt.A.Sudha
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12. Shri E.V.Balakrishnan
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14. S.Mohammed Maheen
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15. Shri M.P.Hamsa
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 16. Shri N.Narayanan Embradiri
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 17. G.Ramachandran Nair
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 18. Smt.Mariamamma Mathew
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 19. Shri K.V.Pradeep Kumar
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 20. Shri Josekutty Joseph
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 21. K.K.Ramachandran
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North Fort Gate
Thripunithura – 682 301
- ... Applicants

(By Advocate Mr.George Varghese Perumpallikuttiyl)

versus

1. Union of India represented by Secretary
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Government of India
New Delhi
2. The Comptroller and Auditor General of India
9 Deen Dayal Upadhyay Marg
New Delhi
3. The Principal Accountant General
(Social & General Sector Audit)
Kerala, Thiruvananthapuram
4. The Accountant General
(Economic & Revenue Sector Audit)
Kerala, Thiruvananthapuram ... Respondents


(By Advocate Mr. Pradeep Krishna, ACGSC (R1&2)
Advocate Mr. V.V. Asokan (R3-5))

The application having been heard on 04.04.2013, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER

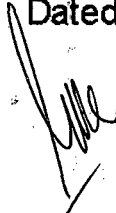
The applicants pray that the benefit of 3rd Financial Upgradation on Pay Band 2 with Grade Pay of ₹ 5400/- under the Modified Assured Career Progression Scheme may be extended to them on the premise that their juniors are already given the benefit even though they are all holding the same cadre. Admittedly, the applicants are not entitled to the Financial Upgradation, as they having secured three promotions earlier. Therefore, the benefit cannot be extended to them as per the Scheme. This has been made clear in the Full Bench decision in OA 1103/11 dated 21.03.2013. The question as to whether the applicants are entitled to seek stepping up of the pay on par with juniors as such does not arise for consideration in the present OA. Though a request is made by the counsel for applicants seeking permission to amend the OA to incorporate such prayer, admittedly at the first instance they have not approached the authorities seeking any such



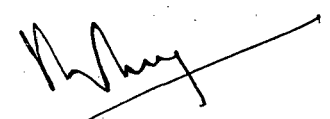
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relief. Further we are not inclined to grant further time for amending the OA as the case is posted for final disposal today. Even otherwise as we have stated the applicants have to approach the authorities first and only when it is declined, they could approach this Tribunal for necessary relief for consideration. Therefore, leaving open the right of the applicants to approach the authorities at the first instance for any such relief, this OA is **dismissed. No costs.**

Dated, the 4th April, 2013.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS