

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.63/2003.

Thursday this the 20th day of March 2003.

CORAM:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

T.T.Sayedkoya,
Work charged Assistant Carpenter,
Lakshadweep Public Works sub division,
Kalpeni Island, Lakshadweep. Applicant

(By Advocate Shri Shafik M.A.)

VS.

1. Union of India, represented by Secretary to the Government of India, Department of Personnel, Ministry of Personnel, Public Grievances and Pensions, New Delhi.
2. The Administrator, Union Territory of Lakshadweep.
3. The Superintending Engineer, Lakshadweep Public Works, U.T. of Lakshadweep, Kavaratti... Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 20.3.2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant who joined service on 22.3.1975 as Work Charged Assistant Carpenter, is aggrieved that he was granted 1st financial upgradation under the ACP Scheme only w.e.f. 25.8.2000 while the same was due to him on 9.8.99 and that he is being denied the 2nd Financial Upgradation on the ground that, for grant of 2nd Financial Upgradation he should have completed 8 years of regular service in the grade of Carpenter, as stated in the impugned order A-1 dated 15.6.2002. Therefore, he has filed this application for the following reliefs:

- i) To call for the records relating to Annexure A-1 to A-7 and to quash Annexure A-1 being illegal and arbitrary;
- ii) To declare that the applicant is entitled to be granted the second financial upgradation also with effect from 9.8.99 as has been granted to the similarly situated other employees of the same department;
- iii) To direct the respondents to revise the date of effect of the benefits granted as per Annexure A-3 and A-4 with effect from 9.8.99 immediately and place the applicant in the said scale of pay of Rs.3050-4590/- with effect from 9.8.99;
- iv) To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case;
- v) To grant the costs of this Original Application.

When the Original Application came up for hearing, learned counsel for the respondents under instructions stated that on an examination of the matter it has been found that the applicant is entitled to get the second financial upgradation as claimed by him in the O.A. and the matter is being referred to a DPC for considering the same. Counsel on either side agree that the application may be disposed of with a direction to the respondents to consider the case of the applicant for financial upgradations from the due dates within a short period and to issue orders accordingly.

In the light of the above submission made by the learned counsel on either side, we direct the respondents to grant the 1st financial upgradation under the ACP Scheme to the applicant with effect from 9.8.99 and to have the case of the applicant considered for 2nd financial upgradation under the ACP Scheme with effect from the same date as he has already completed 24 years of service as on 9.8.99 and to issue resultant orders

(Signature)

within a period of two months from the date of receipt of a copy of this order.

The impugned order A-1 is quashed and the O.A. is disposed of with the above directions. There is no order as to costs.


Dated the 20th March, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

rv


A.V. HARIDASAN
VICE CHAIRMAN