

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 68 of 2008

Thursday, this the 16th day of October, 2008

C O R A M :

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE MS. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

T.G. George,
Safaiwala,
Command Transport Workshop,
Southern Naval Command, Kochi,
Residing at Thattasseri, Thaikkudam,
Vyttila P.O., Thrippunithura Village,
Kanayannoor Taluk, Ernakulam Distt. ... Applicant.

(By Advocate Mr. Johnson Gomez)

v e r s u s

1. Union of India represented by
The Secretary, Ministry of Defence,
South Block, Delhi.
2. The Flag Officer Commanding in Chief,
Southern Naval Command,
Naval Base, Kochi.
3. The Staff Officer (Civilian Personnel), Headquarters,
Southern Naval Command, Cochin : 682 004
4. The Officer Incharge,
Command Transport Workshop,
Southern Naval Command, Kochi: 682 004 ... Respondents.

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

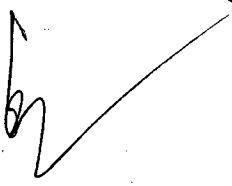
(The Original Application having been heard on 1.9.08, this Tribunal
on 16.10.08 delivered the following:

ORDER
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

This O.A. has been heard invoking provisions of Rule 15(1) of CAT (Procedure) Rules, 1987, as the applicant was not represented at the time of hearing.

2. The matter is short and simple. Para 3 and 4 of the reply succinctly bring out the essential facts to decide the case and the same after minimum tailoring is as under:-

"3. The applicant was engaged as Safaiwala on casual basis with effect from 14th June, 1982 and absorbed against regular post on 11th May, 1984. Late on the casual service rendered by the applicant from 14th June, 1982 to 10th May, 1984 had been regularised and extended all the consequential benefits flowing from regularisation. On introduction of Assured Career Progression Scheme by the Government, the applicant was granted with the first financial upgradation under ACP Scheme with effect from 9th August, 1999 as he had completed 12 years of regular service from the date of absorption into regular post i.e., 11th May, 1984. However, the request for granting the second financial upgradation with effect from 14th June, 2006, made by the applicant had been denied vide Annexure A-2 letter for the reason that he had not completed 24 years of regular service with effect from the date of absorption. As per the extant Government order, the applicant had to complete 24 years of regular service from the date of regular appointment (the service which is treated for promotion i.e., from the date of absorption against regular post) to earn 2nd financial upgradation under ACP

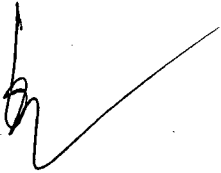


Scheme. In the instant case, the applicant is entitled to get his 2nd financial upgradation under ACP Scheme. In the instant case, the applicant is entitled to get his 2nd financial upgradation under ACP Scheme only from 11th May, 2008, the date on which he completes his 24 years of service.

4. Notwithstanding the above, it is submitted that while disposing of the large number of similar cases, this Hon'ble Tribunal had declared that the applicants therein are entitled to the ACP benefits taking into the total regular services counting from the date of regularisation of the casual services also. It is further submitted that the applicant herein appeared to be a similarly situated person as that of the applicants in OA 755/2000 etc., as the service rendered by him on casual basis has been regularised. However, the respondents are not in a position to extend the benefits under ACP Scheme violating extant Government orders on the subject."

3. In view of the fact that the applicant's services had been regularized w.e.f. 14th June, 1982 itself, with all consequential benefits, he is entitled to reckon his services from that date for working out the eligibility for being considered for 2nd Financial Upgradation. Thus, he would be entitled to be considered for the second financial upgradation w.e.f. 14th June, 2006, as claimed. Again, it has been admitted by the respondents that the applicant is similarly situated as that in OA No. 755/00 etc., in whose case, the period as above had been reckoned.

4. Hence, this OA is allowed. Respondents are directed to consider as per the relevant rules on the subject; the case of the applicant for 2nd Financial



Upgradation w.e.f. 14th June, 2006 and afford the benefits of the same if he is found entitled to the 2nd ACP.

5. The above direction be complied with, within a period of four months from the date of communication of this order.

6. No costs.

(Dated, the 14th October, 2008)



(K. NOORJEHAN)
ADMINISTRATIVE MEMBER



(Dr. K B S RAJAN)
JUDICIAL MEMBER

CVR.