

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.125/2004

Dated Friday this the 5th day of March, 2004.

C O R A M

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.V.Madhavan
S/o Shankara Warriar
Refrigerator Mechanic
Office of the Garrison Engineering (South)
Military Engineering Service
Kattari Bagh
Kochi - 682 004.

Applicant

(By advocate Mr.Asok M.Churian)

Versus

1. The Union of India represented by
The Secretary to the Ministry of Defence
Government of India
New Delhi.
2. Garrison Engineering (South)
Military Engineering Service
Kattari Bhagh
Kochi.

Respondents.

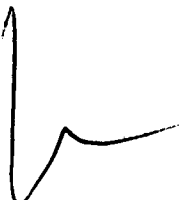
(By advocate Smt.Rajeswari A, ACGSC)

The application having been heard on 5th March, 2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who is now employed as a Refrigerator Mechanic was initially appointed as a Pump Attendant in the Eastern Command of the Military Engineering Service on 6.12.1971. He claims that he has been in the regular service of the Military Engineering Service and accordingly he got one promotion. As per the ACP Scheme, he is entitled to the second financial upgradation on completion of 24 years of regular service from the date of initial appointment i.e. 6.12.1971. Aggrieved by the inaction on the part of the respondents, the applicant has filed this application seeking the following reliefs:



- (i) Declare that the applicant is entitled for second financial upgradation as prescribed in Annexure A1 with effect from 5.12.1995 and for financial benefits thereon with effect from the date of issuance of A1 i.e. 9.8.1999.
 - (ii) Direct the 2nd respondent to consider A-2 representation of the applicant in the light of A1 memorandum and pass orders thereon forthwith.
2. Smt.Rajeswari.A, ACGSC took notice for the respondents.
 3. The counsel appearing for the respondents contended that the claim of the applicant for the second financial upgradation with effect from 5.12.95 is not correct as the A1 notification states that the benefit is available only from the date of A-1 dated 9.8.1999.
 4. However, when the case came up for hearing, the learned counsel for the applicant submitted that the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider the A-2 representation of the applicant and dispose it of within a time frame.
 5. Learned counsel for the respondents submitted that she has no objection in adopting such a course of action, however, adding that the representation can be considered on the basis of his entitlement and as per the rules and instructions governing the Scheme.
 6. In the light of the above submissions, without going into the merit of the case, we dispose of this application directing the 2nd respondent to consider A-2 representation of the applicant and pass appropriate orders and communicate the same to the applicant within a period of two months from the date of receipt of the copy of this order. No costs.

Dated 5th March, 2004.

12.6.20

H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER