

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.283/2006

Wednesday this the 6 th day of December 2006.

CORAM:

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER**

C.Radhakrishnan, S/o Chellappan,
Khlasi Helper, Office of the
Section Engineer (Electrical Pumps)
Southern Railway Palakkad, residing at
Athikuzhi House, Chittoor, Palakkad. Applicant

(By Advocate Shri T.A.Rajan)

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Park Town P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad. Respondents

(By Advocate Ms. P.K.Nandini)

The application having been heard on 6.12.2006
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant in this O.A. sought the following reliefs:-

1. To declare that non inclusion of the name of the applicant in
Annexure A2 as illegal.
- ii. To direct respondents to include the name of the applicant in
Annexure A2 and also direct the respondents to conduct trade
test to the applicant for granting second ACP benefits.
- iii. To set aside Annexure A2 to the extent it not included the name of the
applicant

- iv. Award costs of and incidental to this application.
 - v. Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
2. The applicant's case is that he was initially engaged as a Casual Labourer who attained temporary status on 10.12.80 and had completed 24 years of service on 10.12.2004 and therefore, he is entitled to the second financial upgradation under the ACP Scheme. .
 3. The respondents have disputed the above averments of the applicant in the O.A. stating that, only 50% of the temporary status casual labour service on absorption in regular employment is to be taken into account towards counting of minimum service of 12/24 years for the grant of benefit under ACP Scheme, by which the applicant would become eligible for the 2nd Financial upgradation under the ACP Scheme only on 1.12.2006 and this position has been communicated to the applicant vide Annexure R-4 dated 26.4.2006.
 4. The applicant has been requesting for permission to amend the reliefs in the O.A. and though three chances were given to amend the application he has not done it so far.
 5. Today, Mr. T.A.Rajan, learned counsel appeared for the applicant and Ms.P.K.Nandini, learned counsel appeared for the respondents. Counsel for applicant submitted that, the respondents in Annexure R-4 have stated that the applicant will be eligible for 2nd ACP on 1.12.2006 and hence he is

limiting his prayers to consider his case for the second financial upgradation, which is at a ripe stage now, and that, such a direction may be given.

6. We have considered the pleadings. The applicant has become eligible for grant of ACP benefit from 1.12.2006 only, as the other prayers in the O.A. are not maintainable. Regarding the grant of second financial upgradation benefit, the respondents would have to complete necessary formalities in accordance with the rules by conducting a trade test, ~~etc.~~ convening the Screening Committee, ^{etc.} Therefore, at this stage, we think it proper that this O.A. can be closed with a direction to the respondents to consider the case of the applicant for the second financial upgradation under the ACP Scheme in accordance with the rules. We do so accordingly.

7. With the above directions the O.A. is disposed of. No costs.

Dated the 6 th December, 2006.


Dr.K.B.S.RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN