

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.41/2003

Dated Wednesday this the 22nd day of January, 2003.

C O R A M

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. M.K.Venu
 2. K.K.Mohammed Basheer
 3. N.John Chellappan
- (All are Processing Assistants,
Integrated Fisheries Project, Kochi)
- Applicants

[By advocate Ms.K.Indu]

Versus

1. Union of India represented by
The Secretary to the Government of India
Ministry of Agriculture
Department of Agriculture and Cooperation
Krishi Bhavan, New Delhi.
 2. The Director
Integrated Fisheries Project
Kochi.
- Respondents

[By advocate Mr.R.Prasanthkumar]

The application having been heard on 22nd January, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The three applicants, M.K.Venu, K.K.Mohammed Basheer and N.John Chellappan, are aggrieved by the failure on the part of the first respondent to take action in the light of A-6 to A-8 representations and grant them the benefit of first financial upgradation as per the Assured Career Progression Scheme (ACP Scheme) dated 9.8.99.

2. The brief facts are : The applicants started their career as Processing Assistants in the Integrated Fisheries Project. The first applicant entered service on 7.6.1979, the second applicant on 16.12.1981 and the third applicant on 18.4.1980. The next promotional post in the hierarchy was that of Laboratory

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Assistant until the 4th Central Pay Commission's recommendations came into force. Pursuant to the 4th Central Pay Commission's recommendations, the posts of Processing Assistants and Laboratory Assistants were placed in the same scale of pay of Rs.1400/- - 2300/-. In terms of the 5th Central Pay Commission's recommendations, the post of Processing Assistants and Laboratory Assistant in the Integrated Fisheries Project were merged to form a common feeder grade for promotion to the post of Processing Technologists and a replacement scale of Rs.5000 - 8000 was granted to these posts with effect from 1.1.96 and the applicants were in that scale. With the introduction of the Assured Career Progression (ACP) Scheme (Annexure A-1), those who are stagnating in their grade for more than 12 years were entitled to first financial upgradation. The applicants were given their first financial upgradation in the scale of Rs.5500-9000 as against Rs.6500-10500 since that was the higher scale attributable to the very next post in the hierarchy, namely, Processing Technologists. Applicants would rely on the terms of the ACP (A-1) and also A-3 to A-5 clarifications, which make it clear that in case the feeder post and promotional post are merged it constitutes one single level in the hierarchy and in such case, next financial upgradation would be in the next hierarchical grade above the merged level and if any promotion was granted in the said grade, it should be ignored. With these facts, the applicants approached the respondents with several representations, the latest of which is dated 15.10.2001. Respondents, however, have not taken any action thereon and hence this OA has been filed praying for the following reliefs:

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- i) To declare that the applicants are entitled to get their 1st ACP in the scale of Rs.6500 - Rs.10500.
- ii) To direct the 1st respondent to grant the applicants their first ACP to the scale of Rs.6500 - Rs.10500 after suitably modifying Annexure A2 order and to grant all consequential benefits with effect from 9.8.99.
- iii) To consider Annexures A6 to A8 in the light of Annexures A3 to A-5 and pass appropriate orders thereon within a time frame to be decided by this Tribunal.

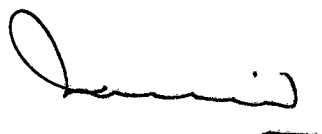
3. When the matter came up for admission, learned counsel for the applicants, Ms.K.Indu, submitted that the applicants would be satisfied if the respondents are directed to consider A-6 to A-8 representations or any comprehensive representation which the Tribunal might be pleased to permit them to make and to pass an appropriate order thereon. Learned counsel for the respondents, Mr.R.Prasanth Kumar, has stated that such a course of action could be taken and the respondents would certainly consider the applicants' representations and pass appropriate orders thereon.

4. In the light of the statements made by the learned counsel and having regard to A-1 ACP Scheme and the clarifications thereon, we consider that this is a case which should be considered by the respondents on the basis of A-6 to A-8 representations already made by the applicants herein. However, we consider it proper to direct and we do direct the respondents to consider A-6 to A-8 representations or any fresh representation(s) which the applicants may choose to make jointly or individually within 2 weeks from today, and pass a considered order thereon and communicate the same to the applicants within three months from the date of the representation. No order as to costs.

Dated 22nd January, 2003.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER