

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

ORIGINAL APPLICATION No 74 OF 2005
THIS, THE 12TH DAY OF SEPTEMBER, 2005

HON'BLE SHRI SHANKER RAJU MEMBER (J)
HON'BLE SHRI S.P. ARYA MEMBER (A)

Subhas Chandra Tripathi aged about 49 years s/o Sri Badri Prasad Tripathi R/o 615/252, Gayatri Nagar Lucknow-21 at present working as Wireman Office of senior Superintendent of Post Offices, Lucknow.

Applicant.

By Advocate Shri R.S.Gupta.

Versus

1. Union of India and through the Secretary, Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General U.P. Lucknow.
3. Senior Superintendant of Post Offices, Lucknow.
4. Sri Vijai Kumar singh Technician Office of S.P.Os. Raebareilly.
5. Sri A.S. Chauhan the then S.S.Pos . Lucknow now S.S. R.M.'O' Division Lucknow.

Respondents.

By Advocate: Shri Surendran P. for Smt. Dr. Neelam Shukla.

Respondents.

ORDER

BY HON'BLE SHRI SHANKER RAJU MEMBER (J)


Heard the counsel.

2. Denial of ACP is assailed which has been disposed of vide order dated 8.10.2004 in the wake of decision of this court in O.A. 98/2004. Only ground to reject the ACP that the applicant has unsatisfactory work and conduct. It appears that record subsequent to 9.8.99 has been considered. The only unsatisfactory performance reflected is

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initiated in 2003 in which applicant was punished in 2004.

3. It is trite law that even for grant of ACP, one has to confirm to the criteria laid down for regular promotion. As the applicant has no adverse record pertaining to his service up to 9.8.99, rejection of ACP which is to be granted on the basis of record subsequent to this cut off date cannot be countenanced.
4. In the result, O.A. is partly allowed. Impugned order which rejects the request of the applicant for grant of financial up gradation under ACP is set aside. Respondents are directed to hold a review DPC to consider the case of the applicant for ACP from due date within a period of 2 months from the date of receipt of copy of this order. If the applicant is found fit, he shall be entitled to all consequential benefits. No costs.


(S.P. ARYA)
MEMBER (A)


(SHANKER RAJU)
MEMBER (J)