

Central Adminsittrative Tribunal, Lucknow Bench, Lucknow

Review Application No.38/2008 in O.A. No. 386/2007

This the 16th day of October, 2008

**HON'BLE SHRI M. KANTHAIAH, MEMBER (J)**  
**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Smt. Gurmeet Srivastava aged about 54 years wife of Norendra Nath Srivastava Nurse N.r.P&T Dispensary III, Mahanagar, Lucknow.

Applicant

By Advocate; Sri R.S. Gupta

**Versus**

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Chief Medical Officer I/c Postal Dispensary-III, Mahanagar, Lucknow.

Respondents

**ORDER (under circulation)**

**BY HON'BLE DR. A.K. MISHRA, MEMBER (A)**

This is an application for review of judgment and order dated 15.9.2009 in O.A. No. 386/2007.

2. The applicant has not come forward with any new facts or any new rule in support of his contention. The eligibility of a Govt. employee for Assured Career Progressive (ACP) Scheme as introduced by the Central Government in O.M. No. 35034/1/97-Estt. (D) dated 9<sup>th</sup> August, 1999 of the Ministry of Personnel, Public Grievances and Pensions has been examined in detail in the impugned judgment of the Tribunal. On analysis of paragraphs 3.1 and 3.2 of the scheme, it was held that the regular service, which is to be counted for the purpose of ACP, should mean the service of a Government employee which would count towards eligibility for regular promotion in terms of relevant recruitment / Service Rules. It was held correctly that the required regular service means, the number of years put in by an employee in the cadre concerned of the Central Government. The previous service of an employee with a foreign employer such as State Government

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employee with a foreign employer such as <sup>a</sup> State Government will not count towards experience of regular service in the Central Government.

3. The provisions of Financial Rules relevant to qualifying the service for pension have also been referred to in the impugned order. It has been held that in terms of the financial rules that the applicant's previous service in the U.P. Government would qualify for the purpose of pensionary benefits. Such a facility has, in fact, been given to the applicant. In the Review Application, reference has been made to Rule 14 (3) of the CCS (Pension) Rules, 1972, which allowed continuous service rendered in State Govt. of an employee who is permanently transferred to the service of the Central Government as a qualifying service for the purpose of calculation of pension. The provisions of CCS (Pension) Rules, however, did not apply to the grant of ACP Scheme which is guided by the aforesaid Office Memorandum dated 9<sup>th</sup> August, 1999.

4. The eligibility of the applicant has been examined in the context of the aforesaid O.M. of the Central Government and it was rightly held that there was no infirmity in the order of the respondents in giving her second financial upgradation from 16.7.2005 when she completed 25 years of regular service in the Central Government. As such, we do not find any error apparent on the face of the record, to be rectified in a review proceedings, where merits of the judgment cannot be questioned by treating the review application as an appeal.

5. In the premises, there is no merit in this review application, which is accordingly dismissed.

  
(Dr. A.K. Mishra)  
Member (A)

  
(M. Kanthaiah)  
Member (J)

16-10-08

HLS/-

Office of  
Central Banker  
dated 16-10-2008  
Revised  
20-10-2008