

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No. 69/2007  
This, the 2<sup>nd</sup> day of December, 2008

Hon'ble Mr. M. Kanthaiah, Member (J)  
Hon'ble Dr. A. K. Mishra, Member (A)

Guman Singh, aged about 53 years, S/o Late Sri Diwan Singh R/o Type E/ 192, GSI Colony Sector-Q Aliganj, Lucknow.

Applicant.

By Advocate Sri Alok Trivedi.

Versus

1. Union of India through the Secretary, Ministry of Mines, Government of India New Delhi.
2. The Director General Geological Survey of India, 27, Jawahar Lal Nehru Road Kolkata.
3. The Deputy Director General Geological Survey of India, Northern Region Lucknow.

Respondents.

By Advocate Sri Veer Raghav for Sri Sunil Sharma.

Order

By Hon'ble Dr. A. K. Mishra, Member (A)

This application has been made against the order dated 3.3.2006 of Respondent No. 3 rejecting the representation of the applicant for grant of financial upgradation under Assured Career Progression (A.C.P.) Scheme.

2. The applicant was appointed as Technical Operator (T.O.), Work Shop which is a Group 'C' post where he joined on 11.12.87 in the E&T Division of Geological Survey of India, Northern Region Lucknow. The next higher post is that of Mechanic to which he was promoted on 19.12.1995 carrying a higher pay scale. But unfortunately for the applicant, the pay scale of T.O. (Rs. 800-1500) and Mechanic (Rs. 950-1500) were merged in pursuance of the recommendation of the Vth Pay Commission,



to the revised Scale of Rs. 3050-4590/- w.e.f. 1.1.96. The applicant made representation that the promotion which he got a few days prior to the implementation of the revised pay scale had been rendered illusory in financial terms because of the merger of the pay scales. He claimed that the next higher pay scale should be given to him under ACP w.e.f. 12.11.99, the date when he completed 12 years of service as he was entitled to a higher scale than that of the revised pay scale of T.O., Work Shop which was re-designated as Laboratory Assistant Grade III w.e.f. 1.1.1996.

3. His application was rejected on the ground that he had already got a promotion in December 1995 and as such, was not eligible for the financial upgradation under the A.C.P. Scheme. It was also contended by the respondents that the nature of duties of T.O. now re-designated as Laboratory Assistant is different from the post of Mechanic to which he has got his promotion. The post of Mechanic is a promotional one carrying higher responsibilities.

4. The ACP Scheme is governed by the circular issued by the DOP&T vide O.M. No. 35034/1/97-Estt(d) dated 9<sup>th</sup> August 1999. Paragraph 5.1 of Annexure 1 enumerating the eligibility conditions for grant of benefits under the ACP Scheme, says that the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years as the case may be) has been availed of by an employee. In other words, if the employee has got a promotion at any time during the preceding 12 years, as in this case, he will not be entitled to the ACP. Therefore, the decision of the competent authority in rejecting the claim of the applicant was based on

the provisions of the Scheme itself. As such, there was no illegahty in this order, which calls for any interference.

5. In the result, the original application is dismissed as devoid of merit.

No costs.

  
(Dr. A. K. Mishra)

Member (A)

  
(M. Kanthaiah)

Member (J)

03.12.2008

v.