

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, AT MUMBAI.

Review Petition No.12/2004
in
C.P. No.23/2003
arising out of O.A.No.247/2001

Date - 17-8-2004

CORAM: HON'BLE SHRI A.K. AGARWAL, VICE CHAIRMAN
HON'BLE SHRI S.G. DESHMUKH, MEMBER (J)

S.P. Saxena & 10 Ors. ... Petitioners/Original
(By Shri R.G.Walia, Advocate) Applicants

vs.

The Union of India through
the Secretary, Railway Board
& ors. ... Respondents.

(By Shri V.S. Masurkar, with Shri V.D.Vadhavkar, Advocates)

O R D E R

[Per: S.G. Deshmukh, Member (J)]:

The present R.P. is filed by the applicants in OA No.247/01 for reviewing the order in C.P.No.23/2003 dated 9.2.2004. O.A.No.247/2001 was decided by this Tribunal vide order dated 6.5.2001. The Tribunal observed while deciding the O.A. that the applicants shall be entitled their first upgradation to the scale of Rs.6500-105000 on completion of 12 years and Rs.7450-11500 on completion of 24 years of service subject to fulfilment of other conditions as laid down under the ACP scheme. Accordingly, the respondents shall accord the proper pay scale to the applicants by treating the scale of Rs.6500-10500 and Rs.7450-11500 as first and second higher grades, to which the applicants shall be upgraded under the ACP Scheme. Subject to fulfilling other conditions they shall be entitled to the same with effect from 01.01.1996 with all consequential benefits. The arrears due to the difference in pay scale be payable within a period of three months from the date of receipt of a copy of the said order. ..2/-

2. The respondents had preferred a Writ Petition dated 16.2.2003 which was dismissed by the High Court by order dated 10.9.2003. The applicant due to non compliance of the order, filed a Contempt Petition bearing NO.23/2003 in which the Tribunal has passed the following order:

"Since major portion of the Tribunal's order has been complied with, we drop the contempt proceedings and discharge the contemner. However, it would be open to the two applicants mentioned in the above para to approach the Tribunal again in case further action to do justice with them is not taken by the contemnors within next three months."

3. The respondents filed their reply to the R.P. The respondents contended that the review petition is not maintainable against the original judgement and certainly not against the order in contempt petition.

4. Heard the learned counsel Shri R.G.Walia for the applicants/petitioners and Shri V.S. Masurkar with Shri V.D. Vadhavkar for the respondents at length.

5. We have considered the rival submissions by both sides. In this R.P. the two points which need consideration are:

(1) whether this Review Petition to review an order in C.P. is maintainable or not; and (2) whether the grounds taken to review the order dated 9.2.2004 in C.P.No.23/2003 are within the scope of review ?

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6. On the question that the review application is maintainable, the learned counsel for the applicant submitted that the power to review is an inherent power of the Tribunal. On the other hand, learned counsel for the respondents submitted that the Tribunal has no power to review an order ^{by} ~~which~~ which the contempt petition has been disposed of.


7. Sec.17 of the CAT Act, provides that Tribunal shall have and exercise the same jurisdiction, power and authority in respect of contempt of itself, as a High Court has and may exercise and for this purpose the provisions of Contempt of Courts Act 1971, shall have effect subject to the modification that the reference therein to High Court, shall be construed as including a reference to such Tribunal. Thus, Section 17 give this Tribunal power to punish for Contempt of itself in the matters now falling within the jurisdiction of the Tribunal. The punishment for contempt can be as per Sec.12 of the Contempt of Courts Act. Under the Contempt of Courts Act, in case of punishment appeal is provided under Sec.19 of the Contempt of Courts Act.


8. Section 23 of the Contempt of Courts Act provides power of Supreme Court and High Court to make rules. Reading the word Tribunal, in place of High Court, section provides that Tribunal may make rules not inconsistent with the provisions of the Act provided for in matters relating to its procedure. In exercise of the powers conferred by Sec.23 of the Contempt of Courts Act, 1971, read with section 17 of the Administrative Tribunals Act, 1985, the Central Administrative

Tribunal, to regulate the proceedings, framed rules called "Central Administrative Tribunal (Contempt of Court) Rules, 1986." In supersession of the Rules of 1986, the Rules called "Contempt of Courts (CAT) Rules, Act 1992 were notified. Under the Contempt of Courts, Act, there is no provision to review an order. Thus, though rule 7 of the C.A.T. (Procedure) Rules, 1987 provides for review but the Contempt of Courts (C.A.T.) Rules 1992 does not provide procedure for review of an order passed on a Contempt Petition.

9. In *Baljeet Singh vs. Shambhoo Nath Chaturvedi and Ors.* 2002 (1) ATJ 657 the Division Bench of Lucknow Bench of the Tribunal has held "that the Tribunal cannot review an order passed in C.P. and hence review petition not maintainable." In the absence of any statutory provisions, to review an order passed in contempt petition, this Tribunal has no jurisdiction as the review is not maintainable, it would be futile to examine the grounds taken in the Review Application as it is in respect of the scope of Review.

10. Thus, in view of what is stated above, we are of the considered view that the present Review Petition is not maintainable and is accordingly rejected. No cost.


(S.G. Deshmukh) 7.8.2004
Member (J)


(A.K. Agarwal)
Vice Chairman

sj*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

CONTEMPT PETITION NO. 23/2003
IN
ORIGINAL APPLICATION NO.247/2001

THIS THE 9TH FEBRUARY, 2004

CORAM: HON'BLE SHRI A.K. AGARWAL. VICE CHAIRMAN
HON'BLE SHRI S.G. DESHMUKH. MEMBER (J)

S.P. Saxena & 10 Ors. .. Petitioners

By Advocate Shri G.S. Walia.

Versus

Shri K.K. Agarwal,
General Manager or
his successor in office,
Mumbai Division, Western Railway,
Headquarters office,
Churchgate, Mumbai 400 020. .. Proposed

Mr. V.S. Resurkar Sr. Counsel with Mr. V.D. Vadharke Adv. for Contemners.

Respondent / Alleged Contemner

O R D E R

Hon'ble Shri A.K. Agarwal, Vice Chairman.

This contempt petition has been filed by the petitioners Shri S.P. Saxena & others alleging non implementation of the Tribunal's order dated 06.5.2002. By this order, the Tribunal had directed that the petitioners who are working as Motorman at Bombay Division of Western Railway are entitled to the first upgradation to the scale of Rs.6500-10500 on completion of 12 years of service and aRs.7450-11500 on completion of 24 years of service subject to fulfilment of other conditions as laid down in the ACP Scheme.

2. The Union of India had filed a writ petition in the High Court of Judicature at Bombay challenging the orders of the Tribunal. The High Court upholding the verdict of the Tribunal dismissed the writ petition vide its order dated 10.9.2003.

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*Corrected
as per order
dt 13/2/04*

*by
BN*

3. This contempt petition was filed on 16.01.2003. Since the respondents had gone to the High Court against the order of the Tribunal, it was not unusual to wait for the verdict of the High Court before implementing the orders of the Tribunal.

4. The learned counsel for proposed contemners has cited a judgment of Supreme Court in Union of India Vs. SC/ST Welfare Association wherein it has been held that contempt need not be pursued when the party had bonafide doubt in implementation of the court order. In view of this we do not find any fault on the part of the proposed contemners to wait till the decision of the High Court.

5. The respondents filed additional reply on 17.12.2003 giving details of the benefits given to the petitioners in implementation of the Tribunal's order. In response to this, the petitioners have filed another affidavit highlighting shortcomings in the action taken by the respondents for the implementation of the Tribunal's order.

6. We have heard both the counsel on the action taken for each petitioners. In the case of Shri R.S. Pardesi who is a direct recruit of Motorman, it is contended that his promotion as Senior Motorman on 01.6.1992 should be excluded since it is not a regular channel of promotion. Hon'ble High Court also confirmed

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the decision of the Tribunal that the grade given as a result of upgradation in the same category of Motorman cannot be counted towards upgradation under ACP Scheme. In the order of the Tribunal it is very clear that first upgradation will be to the scale of Rs.6500-10500 and second upgradation to the scale of Rs.7450--11500. Shri R.S. Pardesi who became a regular Motorman with effect from 11.7.1975 has completed 24 years of service and is entitled to the second upgradation to the scale of Rs.7450-11500.

7. In the case of Shri R.K. Bhattacharya, it is contended that his earlier promotion before he became Motorman should be ignored, since he joined as trainee motorman through direct recruitment and not by promotion from Telecommunication Inspector, as there is no such channel of promotion. There is no other record in front of us to confirm that the individual joined as motorman through direct recruitment and was given no weightage for his earlier service in the Railway. However, he joined as trainee motorman on 15.4.1987 and became regular motorman with effect from 28.5.1988. He is eligible for only one upgradation because the clock for computing the period for ACPS will start only from 28.5.1988.

8. In the case of Shri R.K. Bhattacharya, Sethumadhavan, Harish Kumar, P.P. Jha and R.S. Rao, it


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has been admitted in the affidavit that petitioners have got requisite benefit of ACPS.

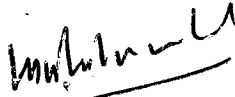
9. In the case of Shri S.P. Saxena, he has been granted upgradation in the scale of Rs.6000-9800. As per the order of the Tribunal, the first upgradation is to be given in the scale of Rs.6500-10500.


10. In the case of Shri A.R. Bangale, it has been pointed out that in the compliance report submitted on 22.10.2003 they have used the words 'second financial upgradation' when the pay scale granted is Rs.6500-10500. Keeping in view the length of service, he is entitled to only first financial upgradation in the pay scale of Rs.6500-10500. Since the grade given by extending the benefit of ACPS is the correct one, we will not like to interfere and leave it to the respondents to correct such errors.

11. After going through the compliance report submitted by the proposed contemner as well as the affidavit filed by the applicant in its reply, we are of the view that a substantial portion of the order of the Tribunal dated 06.5.2002 has been complied with. Only in the cases of two applicants R.S. Pardesi and S.P. Saxena, the compliance has not been found fully in order.



12. Since major portion of the Tribunal's order has been complied with, we drop the contempt proceedings and discharge the contemner. However, it would be open to the two applicants mentioned in the above para to approach the Tribunal again in case further action to do justice with them is not taken by the contemnors within next three months.


(S.G. DESHMUKH)
MEMBER (J)


(A.K. AGARWAL)
VICE CHAIRMAN

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.247/2001

Date of Decision: 6.05.2002

Shri S.P. Saxena & Ors.

Applicant(s)

Shri G.S. Walia.

Advocate for applicants

Versus

Union of India & others

.. Respondents

Shri V.d. Vadhavkar.

Advocate for Respondents

CORAM: HON'BLE SHRI BIRENDRA DIKSHIT. VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY. .. MEMBER (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library ☒

Shanta Shastri
(SMT. SHANTA SHASTRY)
MEMBER (A)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 247/2001

THIS THE 6TH DAY OF MAY, (2001) 2002

Corrected
by order of 30/5/02

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CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT. VICE
CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY . MEMBER (A)

1. S.P. Saxena
B/101 Guru Govind Singh Nagar,
Lodha Heritage Achole,
Nallasopara (E),
Thane.
2. R.K. Bhattacharya,
Rly Qtr. No.40/T/A-2
Agripada aRly. Colony,
Mumbai Central,
Mumbai.
3. Ranjit Pardeshi,
83/4 Western Rly. Qrt,
Andheri (E), Mumbai.
4. Sethu Madhavan,
B-104 Kedarnath
Evershine empire,
Ambadi Road,
Vasi Road (W),
Thane distr. 401 202.
5. Haresh Kumar,
Flat No.1 Hatkesh C.H.S.
Achole Road,
Nallasopara (E).
6. A.R. Bhangale
Topsy Topsy H.S.
206/A Sambhajee Chowk,
Ulhasnagar-4.
7. P.P. Jha 133/10 Western Rly. Trt.
Santacruz (W), Mumbai.
8. K.M. Shaikh,
3/489 Malvani Municipal Colony
Marve Road, Malad,
Mumbai.
9. Paliwal A.P.
D-303 Dharamdeep Complex,
Achole Road,
Nallasopara (E)
Dist. Thane.

10. R.S. Rao, 81/4 Western Rly Qrt.
Matunga Road,
Mumbai. .. Applicants

All working as Motorman at Churchgate, Bombay
Division, Western Railway, Mumbai-400 020.

By Advocate Shri G.S. Walia.

1. Union of India, through
The Secretary,
Railway Board, Rail Bhavan,
New Delhi-110 001.
2. The General Manager,
Western Railway,
HQ Office, Churchgate,
Mumbai-400 020.
3. Divisional Railway Manager,
Mumbai Division,
Western Railway,
Mumbai Central,
Mumbai-400 008. .. Respondents

By Advocate Shri V.D. Vadhavkar.

O R D E R
Hon'ble Smt. Shanta Shastry. Member (A)

The applicants in this OA are all working as Motorman at Bombay Division, Western Railway in the grade of Rs.5500-9000 (Revised). 20% of junior motorman are eligible for upgradation as senior motorman in the special scale of Rs.6000-9800. This was introduced in 1993 on restructuring of the cadre. Some of the applicants were promoted to the upgraded scale of senior motorman vide orders dated 31.8.1999.

2. Subsequently the Railway Board formulated a scheme called Assured Career Progression (ACP) Scheme vide their letter dated 01.10.1999. This scheme was formulated in pursuance of the recommendations of the

5th Pay Commission in view of problems of genuine stagnation and hardship faced by employees due to lack of adequate promotional avenues. According to this scheme two financial upgradations are provided to the grade "B", "C" & "D" employees on completion of 12 years and 24 years of regular service respectively subject to the conditions given in Annexure-I to the scheme. This will be in addition to the normal promotional avenues available on the basis of vacancies. Under this ACP scheme the next promotional grades are Rs.6500-10500 and Rs.7450-11500 for those who are working in the grade of Rs.5500-9000 i.e. a motorman working in the grade of Rs.5500-9000 would get the grade of Rs.6500-10500 on completion of 12 years of service and the grade of Rs.7450-10500 on completion of 24 years of service. The respondents however, while implementing the ACP Scheme took into consideration the special pay scale given to 20% motorman i.e. Rs.6000-9800 as the first higher grade and the scale of Rs.6500-10500 as the second higher grade to be granted after completion of 24 years of service. Thus, the applicant, who had put in 24 years of service were granted the scale of Rs.6500-10500 instead of being granted the scale of Rs.7450-11500 on completion of 24 years of regular service. The orders were issued in respect of the applicant and similarly placed motorman on 21.9.2000. The applicants are aggrieved that instead of being given the next higher scale of Rs.6500-10500 and Rs.7450-11500 on completion

of stipulated service the respondents have granted the applicants an unusual grade of Rs.6000-9800, thus depriving them of the benefit available to other railway servants. They have approached this Tribunal with a prayer to declare that the motorman category of the Western Railway are required to be given two pay scales i.e. Rs.6500-10500 and Rs.7450-11500 after completion of 12 and 24 years respectively along with consequential benefits such as arrears, pensionary benefits related thereto and interest of 18% per annum on the payment of arrears.

3. The contention of the applicants is that the Railways had offered a higher pay scale of Rs.6000-9800 to only 20% of the motorman against upgraded post. This upgradation is not a promotion, therefore, it needs to be ignored while considering the applicants for the higher pay scales as laid down by the 5th Pay Commission. The applicants have drawn our attention to the standard/ common pay scales which have been mentioned in Part-A of the first Schedule annexed to the Notification of the Ministry of Railways dated 08.10.1997 whereby the accelerated career progression scheme was introduced for the Railway servants (See page 23 of the OA). In this Annexure-II different pay scales are divided into 18 pay scales. S-10 at Sl. No.10 is the scale of Rs.5500-175-9000. Thereafter at Sl.No.11 is S-12 the scale is Rs.6500-10500. There is no mention

of the scales of Rs.6000-9800 which was separately created for 20% upgraded posts of motorman and therefore, the applicants, who are in the scale of Rs.5500-9000 ought to have been given the pay scale of S-12 on completion of 12 years of regular service and S-13 on completion of 24 years of service. The scale of Rs.6000-9800 is not normal or common pay scale, it was introduced separately for 20% upgraded posts. According to the applicants, upgradation does not bring about any change in the post or duties and responsibilities of the post. No new post is created in upgradation. It is not therefore, to be treated as promotion. In this connection, the learned counsel for the applicants has referred to para 13 of the ACP scheme under which it has been stated that the existing time bound promotion scheme i.e. insitu promotion scheme notified through Railway Board letter of 05.02.1992 shall cease to exist and shall not run concurrently with the ACP scheme. The applicants submit that the restructuring of the cadre was enmass and under certain conditions existing posts were upgraded without further creation of posts. In the case of motorman no new post was created, out of 323 posts 65 posts were upgraded. In this context the learned counsel for the applicants cited some authorities including the Supreme Court who have held that upgradation without change in duties and responsibilities but with higher pay scale does not amount to promotion. This was in the context of

reservation for backward classes. A three Judges Bench of the Supreme decided the matter in Contempt Petition No.304/99 All India Non-SC/ST Employees Association (Railways) Vs. V.K. Agarwal & Others. There was an earlier decision in the same matter vide order dated 01.02.2001. It was held that it is only if in addition to the total number of existing posts some additional posts are created that in respect of those additional posts, the reservation will apply. In another case in Asha Nair Vs. Union of India & Others in OA No.1033/89 decided on 04th March, 1992 the Principal Bench of the Tribunal held that where upgradation relates to all the posts in a category, there is no sense in calling it as promotion of all the persons in that category. It may be that it is not all the posts in a particular category that are so upgraded but only a part of it. Normally, the benefit of such upgradation would go to seniors in the category, they would automatically get a higher scale of pay. In this judgment, the Tribunal has discussed the judgments of the various Benches including the Full Bench judgment of the Kerala High Court in N.G. Prabhu Vs. Chief Justice, Kerala 1973 (2) SLR 251, V.K. Sirothia Vs. Union of India, Allahabad Bench of Tribunal (O.A. No.3841/86), State of Bihar Vs. Madan Mohan Prasad (1976) 1 SCC 529 A.K. Srivastava Vs. Union of India, Jabalpur Bench of the Tribunal 1987 (4) ATC 385. In all these cases, the view taken was that upgradation does not amount to promotion. The

implementation of the ACP scheme cannot depend upon the granting of the pay scale of Rs.6000-9800. Both the two schemes i.e. upgradation and ACP scheme are different. The granting of the grade of Rs.6000-9800 depends upon the availability of the vacancy within 20% quota for upgradation and the respective seniority of the motorman concerned. However, the granting of the two higher grades under the ACP scheme depends only on completion of the prescribed number of years of service and is not dependant upon the seniority or availability of vacancies. Even when a person does not come within the 20% quota, he has to be granted two higher grades under the ACP scheme after completion of the prescribed number of years of service.

4. The respondents have filed their reply and have opposed the OA. According to the respondents, the scale of Rs.6000-9800 (RPS) for 20% i.e. 65 posts out of the total strength of motorman of 323 is allowed by the 5th Pay Commission as accepted by the Railways. The respondents have enclosed a copy of the Railway Board's letter dated 16.10.1997 with the first schedule and the annexure thereby. According to this S1.No.10 and 11 show the scales of S10 and S10A as Rs.5500-9000 and 6000-9800. There is a note No.4 below the schedule that the revised scale of S-10A i.e. Rs.6000-9800 is specific to the category of Mail/Express/Senior Passenger Drivers/ Senior Motorman in the present scale

of Rs.1640-2900, it is not applicable to any other category of staff. Since the specific grade has been granted for motorman this would be the first grade to which the motorman in the scale of Rs.5500-9000 are to be given upgradation under the ACP Scheme after putting in 12 years of service and therefore, the scale of Rs.6500-10500 would be available after 24 years of service. Therefore, the respondents have rightly given the scale of Rs.6500-10500 to the motorman who have put in 24 years of service under the ACP scheme. The respondents deny that this is not a regular scale in the hierarchy of promotion for motorman. Because this grade is given under restructuring with effect from 01.3.1993 as per Railway Board letter dated 27.01.1993. This restructuring of cadres has been done in consultation with the staff side in the Committee of the Departmental Council of the JCM (Railways). The learned counsel for the respondents also submits that the pay fixation in the upgraded scale of Rs.6000-9800 has to be done as per Rule 1316 (FR 22-C) with effect from 01.3.1993. Pay fixation under FR 22-C is done only when promotion is involved. As such the respondents' action cannot be faulted.

5. The learned counsel for the applicants however maintains that upgradation to the scale of Rs. 6000-9800 is restricted to only 20% of the posts. More over upgradation cannot be called to be a promotion as

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no higher duties or responsibilities are involved nor is there a shifting from a lower to a higher post. It is only a monetary benefit which is given by way of higher pay scale and therefore, the upgradation given to 20% of the motorman to the special scale of Rs.6000-9800 cannot be called as a promotion. The learned counsel for the applicants is relying on several judgments wherein even the Supreme Court has held that if as a result of reclassification or readjustment there are no additional posts, which are created and it is a case of upgradation, then it being not a regular promotion, the principles of reservation will not be applicable. Further, the learned counsel has drawn our attention to the judgment of the Supreme Court in Nirmal Chandra Bhattacharjee & Others Vs. Union of India & Others 1992 SCC (L&S) 236. It has been observed therein that any beneficial rule or orders should not be so construed as to result in hardship to an employee when he is not at fault. In this case, it was held "that once in consequence of restructuring the appellants were placed in Class-C, they could not be selected against Class-C posts reserved for Class-D. But practically it results in such glaring injustice that the benefit which the petitioners got in consequence of restructuring made them worse off by depriving them of their chance of promotion to higher scale". The appellants were therefore allowed to be considered for promotion to Class-C from Class-D. According to the learned counsel

for the applicants, this case is similar in that just because they are upgraded to a higher scale, they are being denied the still higher scale under the ACP which is not justified. The learned counsel has also produced a letter dated 13th July, 2000 from the Ministry of Defence, Department of Production & Supply, Director General Quality Assurance. A clarification has been issued in regard to the implementation of the financial upgradation under the ACP scheme. It has been stated that upgradation granted to Draughtsman cadre under CPWD Arbitration Award is not to be treated as promotion. Under these circumstances, the learned counsel for the applicants contends that the applicants are entitled to the scales of Rs.6500-10500 and Rs.7450-11500 after completion of 12 years and 24 years of service respectively by ignoring the scale of Rs.6000-9800 granted on upgradation under restructuring of cadres.

6. We have given our careful consideration to the rival contentions. In our considered view, the upgradation, which does not involve any change in the post or duties or responsibilities of the posts and it does not involve creation of new additional post, cannot be said to be a promotion as has been held by the Supreme Court & Others. Various Benches of the Tribunal have taken the same view. We are not persuaded to take a different view than those and as the matter is settled by the Supreme Court, we have to hold that the

upgradation to the scale of Rs.6000-9800 confined only to 20% posts needs to be ignored as far as the benefit under the ACP scheme is concerned.

7. The learned counsel for the respondents argued that the scale of Rs.6000-9800 provided for 20% posts of motorman is a specific scale in the hierarchy of the pay scale of the Railways as approved by the 5th Pay Commission and therefore, the applicants will be entitled to the first upgradation in the scale of Rs.6000-9800 on completion of 12 years and the second upgradation of Rs.6500-10500 after completion of 24 years. According to the respondents, the special scale of Rs.6000-9800 is a proper scale in the hierarchy.

8. The applicants, however, have shown Annexure-II attached to the ACP Scheme which covers Part-A of the first schedule annexed to the Ministry of Railways Notification dated 08.10.1997. Here, the scale of S-10A is missing, whereas, the scale of S-10A has been shown in the version provided by the respondents. Be that as it may, in our considered view just because 20% of the posts are upgraded, it cannot be called as a special pay scale for all. At the most only 20% of the employees, who are senior will be eligible for this pay scale, it cannot be said to be a common pay scale. The benefit is restricted and therefore in our considered view, the scale of Rs.6000-9800 which is a upgraded scale for only

20% posts of motorman needs to be ignored for purpose of ACP scheme. It is not a standard scale. Therefore, the applicants shall be entitled to their first upgradation to the scale of Rs.6500-10500 on completion of 12 years and Rs.7450-11500 on completion of 24 years of service subject to fulfilment of other conditions as laid down under the ACP scheme. Accordingly, the respondents shall accord the proper pay scale to the applicants by treating the scales of Rs.6500-10500 and Rs.7450-11500 as first and second higher grades, to which the applicants shall be upgraded under the ACP scheme. Subject to fulfilling other conditions they shall be entitled to the same with effect from ¹⁻¹⁰⁻⁹⁹ 01.01.1996 with all consequential benefits. The arrears due to the difference in pay scale be payable within a period of three months from the date of receipt of a copy of this order.

9. In the result, the OA is allowed. No costs.

Shanta
(SMT. SHANTA SHASTRY)
MEMBER (A)

B. Dikshit
(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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Corrected as per TO dt 30-5-02.

DR,