

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.615/2001.

Thursday, this the 6th day of September, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri M.P.Singh, Member (A).

S.V.Amale,
Lab. Attendant,
Department of Chemistry,
National Defence Academy,
Khadakawasla,
Pune- 411 023.
(By Advocate Shri R.S.Samant)

...Applicant.

v.

1. Secretary,
Ministry of Defence,
New Delhi and two Ors.

...Respondents.

: O R D E R (ORAL) :

Shri M.P.Singh, Member (A).

The applicant has sought direction to Respondents to pay him arrears which have accrued to him due to restoration raising his pay from Rs.3,235/- to 3,300/- w.e.f. 5.5.2000 and has also sought direction to process his case for financial upgradation under Assured Career Progression Scheme (ACP Scheme).

2. The applicant is working as Lab Attendant in Group 'D' Post at National Defence Academy, Khadakawasla and belongs to ST category. According to him, he is deprived of his promotion and the respondents have appointed a general candidate against a vacancy which was reserved for a candidate belonging to ST community. It is stated by him that an increment of Rs.65/- has


...2.

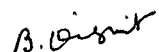
been restored to him by raising his pay from Rs.3,235/- to Rs.3,300/- w.e.f. 5.5.2000. However, the arrears which have accrued to him on account of restoration of the increment have not yet been paid. Apart from it, his case for financial upgradation under ACP Scheme is not being processed although his juniors have already ^{been} granted the benefit of promotion under ACP Scheme. Hence, the applicant is before us by filing this OA.

3. Heard the Learned Counsel Shri R.S.Samant, for the applicant. After hearing the Learned Counsel and perusing the record, we find that Respondents vide their letter d.t 12.3.2001 have stated that the pay of the applicant which was reduced to lower stage at Rs.3,235/- in the time scale of pay of Rs.2,650-4,000 for a period of 1 year from 5.5.1999 has been restored to Rs.3,300/- w.e.f. 5.5.2000. The proposal for the grant of increment and further fixation of pay on account of financial upgradation under ACP Scheme in the higher scale of Rs.2,750-4,400 of the applicant can be processed only after receipt of service book from Army Headquarters which has been sent for consideration of his appeal against the penalty of censure. Learned Counsel for the applicant states that the applicant filed his appeal against the penalty of censure in May, 2000 which is still pending with the Appellate Authority. In the facts and circumstances of the case, we feel that ends of justice will be met if we direct the Respondents to decide this appeal within a period of two months from the date of receipt of copy of this order and thereafter process his case for the grant



of increment and fixation of pay on account of financial upgradation under ACP Scheme within four weeks ² ~~four~~ weeks after the appeal is decided. . The OA is disposed of with the aforesaid directions with liberty to the applicant to re-agitate the matter if he is not satisfied with the final order passed by the authorities.


(M.P.SINGH)
MEMBER (A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.