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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

11.5.2005

ORDERS SHEET

1. Original Application No. 106/07

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) Nataban Nanda vs Union of India & Ors

Advocate for the Applicant(s) Bikram Chandhury

Advocate for the Respondent(s) Case

Notes of the Registry	Date	Order of the Tribunal
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9.5.07.

Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

Vice-Chairman

For application is in form
is made for Rs. 50/-
deposited vide IPO/BD
No. 34665/201
Dated 2.5.07

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Dy. Registrar

Petitioner's copy
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not received.

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Chandhury
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Addl. Secy
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 106 of 2007

DATE OF DECISION: 07.05.2007

Shri Natabar Nanda

..... Applicant/s

Mr.B.Choudhury

..... Advocate for the
Applicant/s.

- Versus -

U.O.I & Others

..... Respondent/s

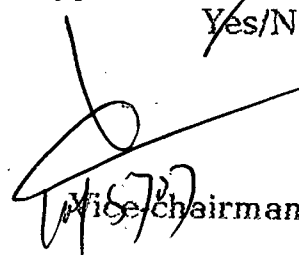
Mr. U. Das, Addl.C.G.S.C.

Advocate for the
Respondents

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether reporters of local newspapers
may be allowed to see the Judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether to be forwarded for including in the Digest
Being complied at Jodhpur Bench & Other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No


Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.106 of 2007

Date of Order: This, the 7th Day of May, 2007.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Sri Natabar Nanda,
Son of Late Pranakrishna Nanda,
Resident of Quarter No.IV/D/09,
Aviation Research Centre, Doom Dooma,
P.O. Sukreting, District, Tinsukia,
Assam.

Applicant

By Advocate Mr.B.Choudhury

-Versus-

1. Union of India
Represented by the Cabinet/Special Secretary,
Department of Cabinet Affairs,
Bikaner House,
Shahjahan Road, New Delhi.
2. Director General of Security,
Cabinet Secretariat, Block-V(East),
R.K.Puram, New Delhi.
3. Director (SR)
Cabinet Secretariat,
Bikaner House Annex, Shahjahan Road
New Delhi-110066.
4. Director of Accounts,
Cabinet Secretariat, R.K.Puram
Level No. VIII, East Block V, Sector-1,
New Delhi-110066.
5. Deputy Director (Administration),
Air Wing, Aviation Research Centre
Director General of Security,
Cabinet Secretariat,
Block-V (East), R.K.Puram,
New Delhi
6. Deputy Director (Administration)
Aviation Research Centre, Doomdooma,
P.O. Sukreting, Dist: Tinsukia, Assam.

Respondents.

By Advocate Ms.U.Das, Addl.C.G.S.C.

✓

ORDER (ORAL)

SACHIDANANDAN, V.C:

The applicant is working as Communication Assistant. He has joined Air Traffic Control Wing of Aviation Research Centre as Radio Operator in 1971. The applicant has completed 24 years and he is entitled to get ACP benefit from 9.8.1999. After the recommendation of the Screening Committee in order dated 29.10.99 was further reviewed and it was upheld and Respondent No.5 accepted the same and issued order informing about the review. In spite of the above recommendation and approval by the Government the applicant was given the benefit from May, 2000. Thereafter his increment was stopped without any reason. Applicant submitted several representations before the authorities for fixation of his pay under the A.C.P. Scheme from the date conferred by the Screening Committee since he is going to retire from service on October, 2007. But the applicant did not receive any response. Being aggrieved he has filed this O.A. seeking the following reliefs:-

" It is, therefore, prayed that this Hon'ble Tribunal may be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicant shall not be granted the benefits under the A.C.P. Scheme with all consequential benefits from the date i.e. 9.8.99 as recommended by the duly constituted Screening Committee by order dated 22.8.2000 (Annexure- IV) and subsequently approved by the government by order dated 25.6.02 (Annexure-V) and after perusing the causes shown, if any and hearing the parties, be pleased to issue a direction to the respondents, particularly to respondent No.4 to grant the applicant the benefits/fix or admit the pay scale of the applicant under the ACP Scheme with all consequential benefits from the date i.e. 9.8.99 as recommended by the duly

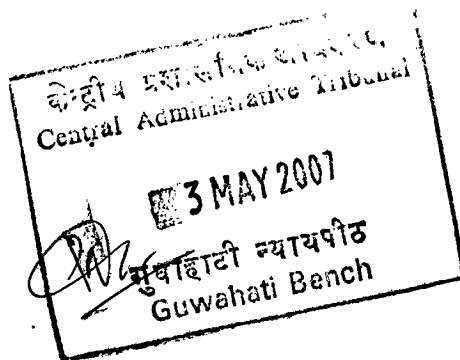
constituted Screening Committee by order dated 29.10.99 (Annexure-IV) and subsequently approved by the government by order dated 25.6.02 (Annexure-V) and/or pass any order or orders as the Hon'ble Tribunal and deem fit and proper."

2. I have heard Mr. B. Choudhury, learned counsel for the applicant and Ms. U. Das learned Addl.C.G.S.C. for the respondents. Counsel for the applicant has submitted that earlier the applicant has submitted several representations before the respondents. But the respondents have not responded to them. Counsel also submitted that he would be satisfied if the applicant is permitted to submit a comprehensive representation before the 3rd respondent and on receipt of such representation if the respondents shall dispose of the same within the time frame. The learned counsel for the respondents has no objection if such direction is given. In the interest of justice, therefore, I direct the applicant to make a comprehensive representation before the 3rd respondent within 15 days from the date of receipt of this order along with all relevant documents and the copy of the O.A. On receipt of such representation, the said authority or any other competent authority, shall dispose of the representation by passing speaking orders within a time frame of three months thereafter. It is made clear that since the applicant is retiring from service in October 2007, the respondents are direct to adhere to the time limit granted as above, otherwise this Court will have to make adverse inference.

O.A. is disposed of accordingly. There will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI
BENCH GUWAHATI

(An application under section 19 of the Administrative Tribunals Act, 1985)

O.A.No.....196.....OF 2007

Sri Natabar Nanda

...Applicant

- VS -

Union of India and others

...Respondents.

L I S T O F D A T E S

12.4.1971 : Applicant joined Air Traffic Control Wing of Aviation Research Centre as Radio Operator.

1977 : A.R.C. (AIR WING STAFF) Recruitment Rules, 1977 was promulgated. As per the recruitment rules, the Radio Operators are eligible for promotion to the post of Communication Assistant on completion of 8 years in the grade.

Annexure- I, Page - 14 .

The applicant didnot got any promotion and he continued to stagnate in the post and in the meanwhile the authorities introduced A.C.P. Scheme as recommended by the 5th Pay Commission.

Annexure- II, Page - 20 .

29.10.99 : The duly constituted Screening Committee found the name of the applicant along with others eligible for the financial upgradation under the A.C.P. w.e.f 9.8.99 and according the Respondent No. 5 issued order.

Annexure- III, Page - 27 .

22.8.2000 : The recommendation given by the Screening Committee in order dated 29.10.99 was further reviewed and it was upheld and accordingly Respondent No. 5 accepted the same and issued order informing about the review.

Annexure- IV, Page - 29 .

25.6.2002 : The Government of India gave approval to the recommendation of the Screening Committee.

Annexure- V, Page - 31 .

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Inspite of the above recommendation and approval by the Government the applicant was given the benefit from May 2000. Thereafter he was receiving monthly salary but from August, 2005 his increment was stopped without any reason. On making enquiry the applicant came to know that the Respondent No. 4 was insisting that the applicant shall have to pass departmental qualifying examination and on passing he shall be granted the benefits under the A.C.P scheme from that date whereas the recruitment rules provides otherwise.

16.9.04 : The applicant got his first promotion to the post of Communication Assistant and was transferred to ARC, Doomdooma and was relieved from ARC, Charbatia on 30.11.2004.

Annexure-VI, Page - 32 .

Applicant submitted several representations before the authorities for fixation of his pay under the A.C.P. scheme from the date conferred by the Screening Committee since he is going to retire from service on October, 2007. But he didnot received any response.

Annexure- VII (Series), Page - 33 .

27.11.04 : The applicant again submitted a representation before the Respondent No. 3 for admittance/fixation of his pay scale under the A.C.P. Scheme from the date as conferred by the Screening Committee but till date he has not received any response.

Annexure- VIII, Page - 38 .

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI
BENCH GUWAHATI**

(An application under section 19 of the Administrative Tribunals Act, 1985)

O.A.No.....106.....OF 2007

Sri Natabar Nanda

...Applicant

- VS -

Union of India and others

...Respondents.

<u>SL.NO</u>	<u>PARTICULARS</u>	<u>PAGE NO</u>
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Filed by

Sikham Choudhury.
3.5.07.

Advocate, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI
BENCH: GUWAHATI

(An Application Under Section 19 of Administrative Tribunal
Act, 1985)

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Natabar Nanda
Filed by the applicant through
Bikram Choudhury, Advocate
3.5.07

O.A.106..... of 2007

Sri Natabar Nanda,
Son of Late Pranakrishna Nanda,
Resident of Quarter No.IV/D/09,
Aviation Research Centre, DoomDooma,
P.O. Sukreting, District: Tinsukia,
Assam.

... Applicant.

-VERSUS-

1. Union of India
Represented by the Cabinet / Special
Secretary, Department of Cabinet
Affairs, Bikaner House,
Shahjahan Road, New Delhi.

2. Director General of Security,
Cabinet Secretariate, Block- V (East), R.
K. Puram, New Delhi.

3. Director (SR),
Cabinet Secretariate, Bikaner House
Annex, Shahjahan Road,
New Delhi-110066.

Contd.....

4. Director of Accounts,
Cabinet Secretariat, R.K.Puram,
Level No VIII, East Block V, Sector-I,
New Delhi- 110066.

5. Deputy Director (Administration),
Air Wing, Aviation Research Centre
Director General of Security,
Cabinet Secretariate,
Block- V (East), R. K. Puram,
New Delhi.

6. Deputy Director (Administration),
Aviation Research Centre, Doomdooma,
P.O. Sukreting, Dist: Tinsukia, Assam

..... Respondents.

1. PARTICULAR OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE:

- (i) Illegal and arbitrary action of the authorities particularly respondent no 4 in not fixing the pay scale of the applicant under the A.C.P. scheme from the date as recommended by the Screening Committee and subsequently approved by the Government.
- (ii) Action of the Respondents in not disposing of the several representations/appeals submitted by the applicant for fixing /admitting the pay scale given to him from the date as recommended by the Screening Committee under the A.C.P. scheme and to release the arrears.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

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3. LIMITATION:

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal, Act 1985.

4. FACT OF THE CASE:

1. That the applicant is a citizen of India and is a resident of the aforesaid locality and he is entitled to the rights and privileges guaranteed under the Constitution of India.
2. That the applicant begs to state that he joined the Air Traffic Control (in short A.T.C.) Wing of Aviation Research Centre (in short A.R.C.) Charbatia, Orissa, on 12.4.1971 as Radio Operator. Since the date of joining service the applicant has been discharging the duties as assigned to his post sincerely and honestly and there was no occasions when any adverse remark or otherwise was ever communicated to him. The applicant states that at present he is serving as Communication Assistant, A.R.C., Doomdooma and he is going to retire from service on 31.10.07.
3. That the applicant begs to state that the Aviation Research Centre is a department of the Government of India, directly under the Cabinet Secretary and the applicant is in the Air Wing of A.R.C. The applicant states that after he joined service, the A.R.C. (AIR WING STAFF) Recruitment Rules 1977 was promulgated. As per the recruitment rules, the Radio Operators are eligible for promotion to the post of Communication Assistant on completion of 8 years service in the grade and thereafter to the post of Assistant Technical Officer (Communication). In view of the above recruitment rules, the applicant had high expectation and was hopeful that he shall

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have opportunities for growth and advancement in the career chosen by him as per the recruitment rules.

The relevant extract of the Recruitment Rules 1977 is annexed herewith and marked as ANNEXURE- I.

4. That, as per the above recruitment rules the applicant was eligible for promotion long back but the authorities did not gave any promotion and the applicant continued to stagnate in the post of Radio Operator without any promotion. In the meanwhile, the respondent authorities decided to introduce the Assured Career Progression Scheme (in short A.C.P) as recommended by the Fifth Pay Commission.

A copy of the A.C.P. scheme is annexed herewith and marked as ANNEXURE-II.

5. That, thereafter, the Screening Committee constituted for the purpose of implementing the A.C.P. scheme found the applicant alongwith other persons belonging to the Group "C" category in the A.R.C., Airwing ATC/Met cadres eligible for financial upgradation on completion of 12 years/24 years of service w.e.f.9.8.99 and accordingly the respondent no 5 issued order no ARC/AW.153/99(Pt.)-9548 dt:29.10.99 recommending the benefits under the ACP scheme.

A copy of the order dt: 29.10.99 is annexed herewith and marked as ANNEXURE-III.

6. That, the applicant begs to state that the Screening Committee further reviewed the order dt: 29.10.99 (Annexure-III) and found the applicant alongwith others eligible for financial upgradation under the ACP scheme confirming / conferring the same pay scale and the effective date as given in the order dated 29.10.99. The cadre controlling authority i.e.

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Respondent No. 5 accepted the recommendation of the Screening Committee by order dated 22.8.2000 issued vide memo no ARC/AW.153/99/(Pt.)-4899. The applicant further states that the Government of India thereafter gave approval to the above recommendation made by the Screening Committee for financial upgradation of the applicant and others under the ACP scheme and the same was circulated to various officers from the office of respondent no 1 vide letter Cabinet .Sectt.28/67/2001-DO-II-540 dated 25.6.02.

Copies of the order dated 22.8.2000 and letter dated 25.6.02 are annexed herewith and marked as ANNEXURE- IV & V respectively.

7. That, the applicant begs to state that the Screening Committee in the order dated 29.10.99 (Annexure-III) and order dated 22.8.2000 (Annexure-IV) under the ACP scheme recommended the pay scale of the applicant at Rs.8000-13500/- w.e.f.9.8.99 on completion of 24 years of regular service. The applicant states that inspite of the above orders and subsequent approval by the government by letter dated 25.6.02 (Annexure-V), the authorities at ARC, Charbatia, (where he was posted at the relevant time) fixed his pay under the ACP scheme from May 2000 though the above orders allowed him the benefits under the ACP scheme from 9.8.99. In this regard the applicant submitted several representations before the authorities but till date there has been no response.
8. That, the applicant begs to state that after receiving the above orders the Deputy Director (Administration) ARC, Charbatia (where he was posted at the relevant time) duly fixed his basic pay and accordingly he drew his monthly salary upto July, 2005. Thereafter without assigning any reasons his

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annual increment was not granted from August 2005 and on making enquiry the applicant came to know that the respondent no 4 is stating and insisting that on passing the departmental qualifying examination the applicant shall be granted the benefits under the ACP scheme from that date.

The applicant states that the Recruitment Rules 1977 does not provide for passing departmental examination for promotion to the post of Communication Assistant from Radio Operator and moreover he had already completed about 29 years of regular service without any promotion in the same grade by 1999 and the respondent No. 2 and 5 and the government found that he fulfilled every eligibility conditions as stated in the ACP scheme. As such, he was surprised on the action of the respondent No. 4 stating that the benefits under the ACP scheme shall become effective from the date of his passing the departmental qualifying examination. The applicant then in spite of being granted the benefits under the ACP scheme, he appeared on advice in the first ever departmental qualifying examination and came out successful.

9. That, in the meantime, after 33 years of long and faithful service in the department, the respondents in recognition of his service record promoted him to the post of Communication Assistant vide Msg no ARC/AW.19/2004 dated 16.9.04 and transferred him to ARC, Air Wing, Doomdoooma and accordingly he was relieved of his duties from ARC, Air Wing, Charbatia on 30.11.2004. The applicant thereafter joined ARC, Air Wing, Doomdoooma on 6.12.04.

Copy of the relieving order is annexed herewith and marked as ANNEXURE-VI.

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10. That, thereafter, the applicant submitted several representations/appeals before the higher authorities through proper channel stating the above facts with the prayer for fixation /admittance of his pay under the A.C.P. scheme from the date conferred by the Screening Committee and to release the arrears at the earliest ,since he is going to retire from service on October,2007.But the applicant did not received any response from the authorities and the matter remained standstill.

Copy of such representation/appeals are annexed herewith and marked as ANNEXURE VII (SERIES).

11. That, the applicant begs to state that on 27th November,2006, he again submitted a representation/appeal before the respondent no 3 through proper channel stating the above facts. But till date the applicant has not received any response from any end and it appears that the authorities are sitting over the matter, due to which the applicant has been highly prejudiced, as he has been denied the benefits under the A.C.P. scheme from its due date without any justifiable reason.

Copy of the representation/appeal dated 27.11.06 is annexed herewith and marked as ANNEXURE-VIII.

12. That, the applicant begs to state that under the conditions laid down for grant of benefits under the A.C.P. scheme, condition no 4 provides that the first financial upgradation shall be allowed after 12 years of regular service and the second financial upgradation after 12 years of regular service from the date of first upgradation, subject to fulfillment of the prescribed conditions. Condition no 5.1 further provides that two financial upgradations under the A.C.P. scheme shall be available only if no regular promotions during the prescribed

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periods have been availed by an employee. Condition no 15 provides that, subject to condition no 4, where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly.

It, will be apparent from what is stated above that the applicant had completed about 29 years of regular service in one grade without any promotion by 1999 and the Screening Committee found that the applicant not only fulfilled the condition no 15 but also other conditions for getting the benefits under the A.C.P. and accordingly granted the same and which was subsequently approved by the government by order dated 25.6.02(Annexure -V). Moreover, from the order dated 22.8.2000 (Annexure- IV) it will be evident that the Screening Committee while recommending the name of the applicant alongwith others took into consideration the checkpoints as laid down in the OM dated 9.8.99 and as such it is not open to the respondent No. 4 to impose a new condition which is contradictory to the A.C.P scheme, for granting the benefit to the applicant, when the recommendation of the Screening Committee was duly approved by the Government.

The action of the respondent No. 4 in not fixing the pay scale of the applicant under the A.C.P. scheme from the due date on one pretext or another for such a long period i.e.7 years has caused immense loss to the applicant and therefore he is convinced that he shall not get any relief from the authorities and as such he is approaching this Hon'ble Tribunal for due relief.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

- I. For that, the action of the authorities in not admitting / fixing the pay scale of the applicant under the A.C.P. scheme

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from the date as conferred by the Screening Committee and subsequently approved by the government is highly illegal, arbitrary and bad in law and is liable to be quashed and set aside

II. For that condition no 15 of Annexure -I under the A.C.P scheme provides that where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly and the Screening Committee found that the applicant had already completed 29 years of regular service without any promotion and he also fulfilled other prescribed conditions as laid down in O.M. dated 9.8.99 and accordingly conferred him the benefit under the scheme w.e.f.9.8.99 and as such the action of the respondents, particularly respondent No. 4 in not fixing the pay scale from that date and imposing a new condition contradictory to the A.C.P scheme is illegal and arbitrary and is liable to be quashed and set aside.

III. For that, the recruitment rules does not provide that one has to appear in departmental qualifying examination in the feeder post i.e. Radio Operator to be eligible for the promotional post i.e. Communication Assistant on 1999 and as such the action of the respondent no4 on insisting that the applicant shall have to pass the departmental qualifying examination for getting the benefits under the A.C.P. scheme, when the rules and the A.C.P scheme states otherwise is bad in law and is liable to be set aside

IV. For that, the action of the respondents in not fixing / admitting the pay scale of the applicant under the A.C.P. from the date as assigned by the duly constituted Screening

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R-1

Committee without any justifiable reason amounts to penalty and since the procedure for imposing the penalty has not been followed the same is liable to be quashed and set aside.

V. For that, the action of the authorities in not admitting the pay scale of the applicant from the date as conferred by the Screening Committee is in violation of the condition laid down in the A.C.P. scheme, in view of the fact that the Screening Committee after taking into consideration every relevant facts and rules has conferred the benefit and as such the impugned action of the authorities is not maintainable in law and is liable to be set aside.

VI. For that, the manner in which the Respondent No. 4 has been denying the benefit under the A.C.P. scheme to the applicant would show that the authorities are acting in violation of the A.C.P. scheme and the recruitment rules and as such the impugned action of the authorities in seeking to deprive the applicant from his due benefit under the A.C.P. scheme is bad in law and is liable to be set aside.

VII. For that, in any view, of the matter the impugned action of the authorities is bad in law and liable to be set aside.

6. **DETAILS OF REMEDIES EXHAUSTED:**

The applicant had submitted several representations/appeals before the authorities praying for admittance / fixation of his pay scale under the A.C.P scheme from the date as recommended by the Screening Committee and subsequently approved by the Government and to pay the arrears at the earliest as he is going to retire from service on October 2007. The last representation / appeal was submitted by the applicant on 27.11.06 but till date he has not received any response from the authorities with regard to any of his representations.

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7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. PRAYER

It is ,therefore, prayed that this Hon'ble Tribunal may be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicant shall not be granted the benefits under the A.C.P. scheme with all consequential benefits from the date i.e.9.8.99 as recommended by the duly constituted Screening Committee by order dated 29.10.99 (Annexure- III) which was reviewed and confirmed by order dated 22.8.2000 (Annexure-IV) and subsequently approved by the government by order dated 25.6.02 (Annexure-V) and after perusing the causes shown, if any and hearing the parties, be pleased to issue a direction to the respondents, particularly to respondent no 4 to grant the applicant the benefits/fix or admit the pay scale of the applicant under the A.C.P.

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scheme with all consequential benefits from the date i.e. 9.8.99 as recommended by the duly constituted Screening Committee by order dated 29.10.99 (Annexure- III) which was reviewed and confirmed by order dated 22.8.2000 (Annexure-IV) and subsequently approved by the government by order dated 25.6.02 (Annexure-V) and/or pass any order or orders as the Hon'ble Tribunal and deem fit and proper.

9. INTERM ORDER. IF ANY PRAYED FOR :

Does not arise

10. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :

IPO NO. 3461653201 dated: 3.5.07
Issued by Guwahati Post Office.

11. LIST OF ENCLOSURE :

As stated in the Index.

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V E R I F I C A T I O N

I, Sri Natabar Nanda, Son of Late Pranakrishna Nanda, aged - 59 years, Resident of Quarter No.IV/D/09, Aviation Research Centre, DoomDooma, P.O. Sukreting, District: Tinsukia, Assam, do, hereby verify that the statements made in paragraphs nos 1, 2, 7, 8, 10,
11 and 12 are true to my personal knowledge and statements made in paragraphs nos 3, 4, 5, 6 and 9. are believed to be true on legal advice and that I have not suppressed any material facts.

Place:- Guwahati

Date:- 3.5.07

Natabar Nanda

SIGNATURE OF THE APPLICANT

22 Pages

RESTRICTED

No. EA/ARC-EST-9/75

CABINET SECRETARIAT

(DEPT. OF CABINET AFFAIRS)

NEW DELHI, DATED THE

18 MAR 1977.

NOTIFICATION.

Subject: Recruitment Rules for the posts
in the AIR Wing of ARC.

In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules regulating the method of recruitment to the posts of AIR WING OF ARC.

1. SHORT TITLE AND COMMENCEMENT:

(1) These rules may be called the ARC (AIR WING STAFF) Recruitment Rules, 1977. ✓

(2) These rules shall come into force at once.

2. DEFINITIONS:

In these rules, unless the context otherwise requires:-

(a) 'appointed day' means the date on which these rules come into force;

(b) 'controlling authority' means the Secretary, Department of Cabinet Affairs, Cabinet Secretariat.

3. NUMBER OF POSTS, CLASSIFICATION AND SCALE OF PAY:

The number of posts, classification and the scale of pay attached thereto shall be as mentioned in columns 3 to 5 of the schedule hereto annexed.

4. INITIAL APPOINTMENT:

(1) All persons holding, as on the appointed day any of the posts in the grades specified in column 2 of the schedule hereto annexed, in a permanent or temporary or officiating capacity or on deputation basis, shall be eligible for appointment to the said posts from the commencement of these rules.

Attested by
25
Secretary
Adv.

- 2 -

2) The Controlling Authority shall constitute a Screening Committee in respect of each grade for adjudging the suitability of persons, who being eligible to be appointed to the grades under sub-rule(1), were serving in the said grades immediately before the commencement of these rules, for permanent appointment therein and every committee so constituted shall, subject to such general or special instructions as the controlling authority may give and after following such procedure as the committee may deem fit, prepare lists of persons considered suitable for appointment in each grade with the names of such persons arranged in the order of seniority based on the date of continuous appointment in the grade in which they are to be absorbed or in an equivalent grade. Provided that if the controlling authority deems it necessary so to do, the same committee may be constituted to function in relation to two or more grades or different committees may be constituted to function in relation to the same grade for different sub-offices.

(3) Intimation shall be sent to every person considered suitable for appointment to a post in any grade giving him an opportunity to express, within thirty days of the receipt of intimation by him, his willingness to be so appointed on a permanent basis and the option once exercised shall be final.

(4) Persons who are willing to be appointed on a permanent basis shall be so appointed in the order of seniority against permanent posts available as on the appointed day.

(5) Notwithstanding anything contained in sub-rules(2) to (4), every person holding, as on the appointed day, a permanent post in any grade in the ARCI shall, without prejudice to his being considered for appointment to a permanent post in the higher grade or to his continuance in such higher grade in officiating or temporary capacity, be absorbed in his respective sub-stantive grade against the permanent post available as on the appointed day.

Contd.....

(6) The Screening Committee may recommend for permanent appointment in a lower grade any person who is serving in a higher grade irrespective of whether he is a deputationist or a direct recruit and every appointment made on such recommendation shall be without prejudice to his continuing to serve in the higher grade.

(7) Persons holding posts, as on the appointed day, in any grade, who are not found suitable for appointment to the said grade under sub-rules (2) to (6), may be continued, so long as may be necessary, in posts in the same grade in a temporary or officiating capacity, as the case may be.

5. SENIORITY OF THOSE APPOINTED AT THE COMMENCEMENT OF THE RULES:

Seniority of persons appointed on a permanent basis in each grade at the time of commencement of these rules shall be in the order in which they are shown in the lists prepared in accordance with provisions of rule-4.

6. MAINTENANCE:

✓(1) Subject to the appointments made in each grade at the commencement of these rules, every post remaining unfilled and every vacancy that may arise thereafter shall be filled in accordance with the provisions contained in the schedule annexed to these rules by appointment on promotion, deputation/transfer, re-employment after retirement or direct recruitment as the case may be.

✓(2) For a period not exceeding three years from the date of commencement of these rules, notwithstanding the limits specified in column 41 of the schedule, the controlling authority may, if it considers it necessary so to do, exceed the percentage specified for filling up of vacancies by deputation and decrease the percentage prescribed for filling up of vacancies by promotion, direct recruitment or re-employment after retirement, as it may deem fit.

7. SENIORITY AT THE MAINTENANCE STAGE:

Seniority in each grade shall be reckoned with reference to the date of continuous appointment to the post in that grade by direct recruitment or by promotion.

contd.....

8.

RESIDUARY MATTERS:

In regard to matters not specifically covered by these rules, the persons appointed to various grades shall be governed by general rules, regulations and orders applicable to Central Government employees in corresponding grades.

9.

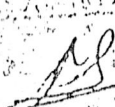
POWER TO RELAX:

Where the Government is of the opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

10.


INTERPRETATION:

When any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India, in the Cabinet Secretariat (Department of Cabinet Affairs), whose decision thereon shall be final.


(F.T.R. COLASO)
Deputy Secretary to the
Government of India.

A copy is forwarded to:-

1. Shri T.M. Subramaniam, Director, ARC, New Delhi.
2. Shri R.Saran, Director of Accounts, Cabinet Secretariat, New Delhi.
3. Shri R.K.G. Rau, Internal Financial Adviser, Cabinet Secretariat, New Delhi.
4. Shri P.B. Kulkarni, Assistant Director (Coordination), D.G.(S), New Delhi.


(F.T.R. COLASO)
Deputy Secretary to the
Government of India.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
7. Communication Assistant.	2	General Central Service, Class-III Non-Gazetted Non-Ministerial	Ms. 550-20-650-25-750.	Non-Self-Selection.	18-25 years.	Engineering Degree from a recognised Institute/University or Diploma in Radio/Telecommunication Engineering from a recognised institute with 3 years experience in Mercantile Marine or Aeronautical communication service.	No. 3 years.	Probation Period/ Trial Two years.	Promotion/ Deputation/ Direct Recruitment/ Re-employment.	1. Deputation of persons holding post of Communication Assistant or equivalent or selection grade Radio Operator with 3 years service or Radio Operators with 8 years service in the grade.		Cl D
											2. Re-employment of released/retired persons possessing qualifications and experience as prescribed for direct recruits.	
											3. Promotion of Radio Operator with 8 years service in the grade.	

[illegible]

No.35034/1/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August 9, 1999

OFFICE MEMORANDUM

Subject: THE ASSURED CAREER PROGRESSION SCHEME FOR
THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (NCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

.....2/-

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Attested by:
Shoukany
Adv.

3.2 'Regular Service' for the purpose of the ACP Scheme shall be interpreted to mean eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

Ministries/Departments are advised to explore the possibility of effecting savings so as to mitigate the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/classification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

[Signature]

(K.K. JHA)

Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

4/-

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
- 5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

- 24 -

7. Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II, which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. (i) On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(i) and (1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

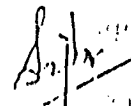
11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and Instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.


(K.K. JHA)

Director (Establishment)

ANNEXURE-II

STANDARD/Common Pay Scales

As per Part-A of the Fiscal Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE MEMORANDUM]

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	2610-60-3150-65-3540
3.	S-3	2650-65-3300-70-4000 ✓
4.	S-4	2950-70-3800-75-4400 ✓
5.	S-5	3050-75-3950-80-4590 ✓
6.	S-6	3200-85-4000
7.	S-7	4000-100-6000
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-18200
17.	S-23	12000-375-18000
18.	S-24	14300-400-18500

211
2610-60-3150-65-3540

ANNEXURE-III

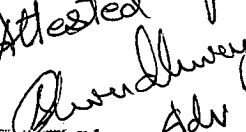
OFFICE ORDER NO. _____/99

In pursuance of DP&T OM No. 35034/97-Estt(D) dated 9.8.99 the Screening Committee constituted for the purpose of granting financial up-gradation under ACP Scheme, as recommended by 5th Pay Commission and accepted by the Government with certain modification, has recommended the financial upgradation in respect of the following persons belonging to Group 'C' category of the ARC, Allwing ATC/Met cadres w.e.f. 09.08/99 or the date as shown against each name as per details given below:

S.No.	Name & present design. & place of posting	Present scale of pay	Recommended Pay scale as per ACP scheme after completion of qualifying period	date from which ACP Scheme is due
		Rs.	12 Yrs. 24 Yrs. Rs. Rs.	
1.	H.S. Mishra, Tech. Asstt., DDM	5000-8000	-	8000-13500/-9.8.99
2.	RK Bose Roy Choudhury, Aero. Asst. CBT	5000-8000	-	6500-10500/-9.8.99
3.	KA Mathew, Radio Oprtr., DDM	4000-6000	5000-8000	8000-13500/-9.8.99
4.	EK Mohanty, Tech. Asstt., CBT	5000-8000	-	8000-13500/-9.8.99
5.	CM Behera, Aero. Asstt., DDM	5000-8000	-	6500-10500/-9.8.99
6.	Natabar Nanda, Radio Oprtr., CBT	4000-6000	5000-8000	8000-13500/-9.8.99
7.	K.K. Sadanandan, Commn. Asstt., CBT	5000-8000	-	8000-13500/-9.8.99
8.	Dipak Nandy, Radio Mis-try, DDM	3050-4590	3200-4900	- 9.8.99
9.	Golak Ch. Swain, Radio Mistry, CBT	3050-4590	3200-4900	4000-6000/-9.8.99

All the above persons should exercise their option for fixation of pay w.e.f. 9.8.99 or from the date of next increment in the existing scale under the provision of FR 22-I(a)(i) within one month from the date of issue of the order to the Head of Office.

contd. on P. 2/-

Attested by

 Adv.

The upgradation is sanctioned subject to the following conditions :-

(i) The financial up-gradation as above shall be personal to the individual concerned and shall not amount to functional regular promotion.

(ii) These upgradation shall be admissible w.e.f. 9.8.99 and thereafter depending upon the date of completion of 12 years or 24 years as the case may be subject to other eligibility conditions.

For grant of the benefits the residency periods (regular service) have been counted from the grade in which they were appointed as direct recruits.

(iv) The financial upgradation being personal to them they will continue to retain the old designation and perform such duties as entrusted to them and is subject to restrictions as incorporated in para-6 of Annexure-I to DP&T order dated 09.08.99.

(v) For isolated posts the scale of pay recommended as in the above statement is on the basis of pay scales prescribed in Annexure-II of DP&T OM dated 9.8.99.

(vi) The ACF scheme being personal to them contemplate merely grant of financial benefits only and shall not amount to actual/functional promotion.

(S.K. MALHOTRA)
DY. DIRECTOR(A)AW

No. ARC/AW. 153/99 (P1) - 9548
Aviation Research Centre
Directorate General of Security
(Cabinet Secretariat)
East Block-V, RK Puram
New Delhi - 110066

Dated: 29 Oct. '99

Copy to:

1. Dir. of Accounts, R.K. Puram, New Delhi.

2. Dy. Director(A)ARC, Charbatia/ Doom Dooma for information and necessary action.

3. Person concerned (Shri...)

4. Guard File.

-29-

ANNEXURE - IV(TYPED COPY)

No. ARC/AW.153/99(Pt-II) 4595
 Aviation Research Centre
 Dte. General of Security
 (Cabinet Secretariat)
 East Block - V, RK Puram
 New Delhi - 110066
 22 Aug 2000

O R D E R

In supersession of this Dte. Order No. 120/99 circulated under endst. of even number dated 29.10.99 and pursuant to the implementation of the Assured Career Progression Scheme for the Central Govt. employee as notified vide DP&T OM No. 35034/1/97-Estt. (D) dated 9.8.99, the Screening Committee for Group 'C' employees of ATC/Met Cadre in its meeting held on 11.10.99 found the following ATC & MET personnel eligible for financial upgradation on completion of 12/24 years service in the pay-scales as mentioned against each.

Sl No.	Name & Designation	Recommended Pay-scale	Date fm. which eligible
1.	S/Sh. H.S. Mishra Tech. Asstt.	Rs. 8,000-13,500/-	9.8.99
2.	R. K. Bose Roy Choudhury Aerodrome Asst.	Rs. 6,500-10,500/-	9.8.99
3.	K. A. Mathew Radio Optr.	Rs. 8,000-13,500/-	9.8.99
4.	B. K. Mohanty, Tech. Asst.	Rs. 8,000-13,500/-	9.8.99
5.	C.M. Behera Aerodrome Asstt.	Rs. 6,500-10,500/-	9.8.99
6.	Natabar Nanda Radio Optr.	Rs. 8,000-13,500/-	9.8.99
7.	K.K. Sadanandan Comn. Asstt.	Rs. 8,000-13,500/-	9.8.99
8.	Dipak Nandy, Radio Mistry	Rs. 3,200-4,900/-	9.8.99
9.	Golak Ch. Swain Radio Mistry	Rs. 4,000-6,000/-	9.8.99

Contd....

Attested by -
 Braudhury
 Adv

-30-

-2-

Certified that before recommending the above names Screening Committee has kept in the mind the check points mentioned in OM dated 9.8.1999 in para 3 (3.1) (3.2) & conditions laid down in para 1, 2, 4, 5.1, 5.2, 10, 11, 13, 14 of Annexure- I of DP&T order dated 9.8.1999.

The financial benefit allowed under this scheme shall be final and the pay shall not be re-fixed on regular promotion to the higher grade.

On financial upgradation under the scheme, the pay of the beneficiary shall be fixed under the provision of FR-22(1)a(i). The seniors will not claim any stepping up/antedating of their pay with their juniors who have been allowed financial upgradation under this scheme.

Financial upgradation given above is purely personal to the employee and shall have no relevance to his seniority position.

There shall be no change in their existing designation/status.

The Service Books of the above mentioned employees are also forwarded to the office of the Dte. of Accounts, Cab. Sectt. RK Puram, N. Delhi. They are deemed to have given their unqualified acceptance for regular promotion on concurrence of vacancies subsequently.

In compliance with the DP&T OM No. 35034/1/97-Estt (D) dated 9.8.99, Para 13, Annexure- I, the department has opted for the ACP Scheme for Group 'C' category of employee of ATC/Met Cadre vide order No. 120/99 dated 29.10.99

(S.K.MALHOTRA)
DY. DIRECTOR (A) AW

Copy to :

1. Dte. of Accounts, Cab. Sectt. RK Puram, N. Delhi.
2. Dy. Director (A), ARC, Charbatia.
3. Dy. Director (A), ARC, Doom Dooma.
4. Individual concerned (T) Unit Head.
5. Office Order Book.

ANNEXURE - V

(TYPED COPY)

**Cabinet Secretariat
Bikaner House (Annexe)**

Subject : Financial upgradation under ACP Scheme.

Reference : ARC Dte. HO No. ARC/AW-153/99-4033 dated 23.05.2002 on the above subject

Approval of the Government is hereby conveyed to the grant of 2nd financial upgradation under ACP Scheme to the pay scale of Rs. 8000-13500/- to the following officers of ARC as mentioned below on completion of 24 years of service in terms of DoP & T OM No. 35034/1/97-Estt (D) dated 09.08.99 :-

Sl No.	Name	Date of entry into Govt. Service	Date of grant of 2 nd financial upgradation
1.	H.S. Mishra Technical Assistant	27.04.73	09.08.99 .
2.	H. M. Swain Communication Asstt.	13.05.70	01.04.2001
3.	K. A. Mathew Radio Operator	10.07.74	09.08.99
4.	B. K. Mohanty Technical Assistant	12.04.71	09.08.99
5.	Natabar Nanda Radio Operator	12.04.71	09.08.99
6.	K.K. Sadanandan Communication Asstt	29.04.70	09.08.99

Sd/- Illegible

(MUKUL CHATTERJEE)
DEPUTY SECRETARY (SR)

ARC : (Shri Ashok Kumar, Deputy Director (A) AW)
Cabinet Seett. 28/67/2001- DO-II-540 dated 25/6/02

Assisted by.
Shri Ashok Kumar
Adv.

9/8/01

OFFICE ORDER NO. A/179/2004

Consequent upon his transfer on promotion to the post of Communication Asstt. vide Msg. No. ARC/AW.19/2004 dated 16.9.04, Shri Natabar Nanda, Radio Operator is relieved of his duties from ARC, Airwing, Charbatia in the afternoon of 30.11.2004. He is directed to report to Asstt. Director (A), ARC, Doom Dooma after availing usual joining time as admissible under Rules.

for ASSISTANT DIRECTOR(A)

No. VII/18(5)/2002-Vol. 5/
Aviation Research Centre
Government of India
P.O. Charbatia (754028)
Dist. Cuttack (Orissa).

Dated the: 30.11.04

1. Director of Accounts, Cab. Sectt., R.K. Puram, New Delhi.
2. The Dy. Director (B) ARC Hqs., New Delhi.
3. The Dy. Director (A), A/W, ARC Hqs., New Delhi.
4. The Asstt. Director (B), ARC Hqs., New Delhi.
5. The Commander, A/W ARC, Charbatia.
6. The C.E., Airwing ARC, Charbatia.
7. The Commander, A/W ARC, Doom Dooma.
8. The ATC Admn. Officer, ARC, Charbatia.
9. The Accounts Officer, ARC, Charbatia (4 copies)
10. Person concerned.
11. SFO(A)/SFO(S)/O I/C Library/ O I/C Tel. Exchange.
12. S.O. (L), ARC, Charbatia.
13. Divn. IV, VI, VII (O.O. file), VIII, NGO (AOR), GMSIS, Computer Cell, Disc. Cell, ARC, Charbatia.
14. The Asstt. Director (A), ARC, Doom Dooma.

Attested by
Shri. J. J. J.
Adv.

ANNEXURE-VII (Series)

Natabar Wande
Communication Assistant
ATC ARC (Air wing)
BOOM DOGMA

Dated the 20 Mar 2006

To
The Deputy Director (Adm.)
ARC A/W Hqrs.
NEW DELHI-66

(Through CSO , ARC Hqrs New Delhi)

Sub:- IInd Financial upgradation under ACP Scheme

Sir,

I have the honour to submit the following for favour of your kind consideration and necessary action.

That Sir, I was granted IInd ACP in the pay scale of Rs.8,000/- 275 - 13,500/- with effect from 09-8-1999 vide No.ARC/AW/153/99(Pt.II) 4899 dated 22 Aug 2000 and further approval of Omb.Sectt.was conveyed to me vide No.28/57/2001-PO-II-540 dated 25-5-2002. Accordingly my Basic Pay was duly fixed by DD(A) ARC Chorbatic and I was drawing monthly salary as per the revised Basic Pay upto 2004. My Annual increment is not granted from Aug 2005 due to non-admittance of IInd ACP by DACS.

In this regard I may please be permitted to state that as per DoR&T OM No.35034/1/97-Estt(D)(Vol.IV) dated 10-2-2000 clarification vide Sl.No.16 "no upgradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion".

The Departmental qualifying Examination for the post of ATO(C) was not held from 1988 to 2003. I have been asked to appear the first ever conducted departmental examination after 1988 in 2003 and successfully qualified. Since I have not failed to qualify the Departmental Qualifying Examination as on 09-08-1999 I may not be debarred from benefit of IInd ACP.

Therefore, I request you sir, to kindly consider my case favourably at the earliest as I am retiring from service after 18 months and non-admittance of IInd ACP from 09-8-99 will adversely affect my pension calculation.

Thanking you sir,

Yours faithfully,

Natabar Wande
(Natabar Wande)
the then Radio Operator

[Signature]
[Signature]
20/3
Chief Engineering Officer

Attested by
Deputy Director
Adm

8776817

Natabar Nanda
Commn. Asst
ATC, AIR WING
ARC Doom Dooma
20 May 2006

To,
Deputy Director (Admin)
Air Wing, ARC, HQ
New Delhi

(Through Proper Channel)
Sub: Ind Financial Up gradation Under ACP Scheme
Ref: Personal application dated 20 Mar 06

Sir,

1. I have the honour to state that I have been drawing the pay scale of Rs. 8000-275-13500 since May, 2000 as per DD (A) A/W HQ No. ARC/AW/153/99 (part-II) 9548, dtd 29/10/1999. The order is further reviewed and rectified by two subsequent orders confirming the same pay scale and effective date.

2. In terms of DoPT OM. No. 35034/1/97 Estt (D) Vol IV dated 10/02/2000 clarified vide Sl. No. 16. "No up gradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion."

3. Since I have not failed to qualify departmental/skill test as on 09/08/99, the effective date of ACP may please be treated from 09/08/99, as it is same for other employees of ATC whose ACP is also sanctioned vide the same order under reference.

Prayer

4. Therefore I earnestly request you sir to kindly reconcile/recommend my case and dispatch service book to DACS by considering sympathetically the following.

(i) The DQE for the post of ATO of ATC estt. was not conducted after 1988 and I have qualified at the first ever conducted DQE in 2003.

(ii) I have passed the training/exam in 1995 for ILS/DME course (duly endorsed in service book and copy of certificate issued by M/S GCEL also enclosed with service book).

(iii) Since no DQE was conducted after 1998, ILS/DME course may please be treated as alternative to DQE and DACS may please be intimated regarding passing of ILS/DME course as equivalent/ alternative to DQE.

Therefore, I request you sir to kindly consider my case favourably at the earliest since my retirement is in Oct 07.

Yours faithfully

Natabar Nanda

(Natabar Nanda)

1Lt 1500 Radio Operator

Enclosure as stated

Attested by
[Signature]
Adv

~~ANNEXURE~~

(TYPED COPY)

ARC Airwing Doom Dooma
..... No. 959 dt. 5/6/06

Natbar Nanda
Commn. Asst
ATC, AIR WING
ARC Doom Dooma
07 June 2006

To
The Chief Signal Officer
ARC, HQ
New Delhi

(Through Proper Channel)

Sub : Hind Financial Up gradation Under ACT Scheme

Ref : Personal application dated 20 Mar 06

Sir,

1. I have the honour to state that I have been drawing the pay of Rs. 8000-275-13500 since May 2000 as per DD (A) A/W HQ No. ARC/AW/153/99 (part-II) 9548 dtd 29/10/1999. The order is further reviewed and rectified by two subsequent orders confirming the same pay scale and effective date.

2. In terms of Do PT OM. No. 35034/1/97 Estt (D) Vol IV dated 10/02/2000 clarified vide Sl. No. 16 "No up gradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion".

3. Since I have not failed to qualify departmental/skill test as on 09/08/99, the effective date of ACP may please be treated from 09/08/99 as it is same for other employee of ATC whose ACT is also sanctioned vide the same order under reference.

Prayer

4. Therefore I earnestly request you sir to kindly reconcile/recommend my case and dispatch service book to DACS by considering sympathetically the following.

(i) The DQE for the post of ATO of ATC estt. was not conducted after 1988 and I have qualified at the first ever conducted DQE in 2003.

(ii) I have passed the training/exam in 1995 for ILS/DME course (duly endorsed in service book and copy of certificate issued by M/S GCEL also enclosed with service book).

(iii) Since no DQE was conducted after 1998, ILS/DME course may please be treated as alternative to DQE and DACS may please be intimated regarding passing of ILS/DME course as equivalent/alternative to DQE.

Therefore I request you sir to kindly consider my case favourably at the earliest since my retirement is in Oct 07.

Yours faithfully
Sd/- Natabar Nanda
Natbar Nanda

Forwarded
Sd/- Illegible
Received
Sd/- Illegible
for Dist _____

Attested by -
[Signature]
Adv

- 35(A) -

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RECEIVED
1959 dt. 8/6/02

Natabar Nanda
Commn. Asst.
ATC, AIR WING
ARC Doom Dooma
07 June 2006

To,
The Chief Signal Officer
ARC, HQ
New Delhi

(Through Proper Channel)
Sub: Ind Financial Up gradation Under ACP Scheme
Ref: Personal application dated 20 Mar 06

Sir,

1. I have the honour to state that I have been drawing the pay scale of Rs. 8000-275-13500 since May 2000 as per DD (A) A/W HQ No. ARC/AW/153/99 (part-II) 9548, dtd 29/10/1999. The order is further reviewed and rectified by two subsequent orders confirming the same pay scale and effective date.
2. In terms of DoPT OM. No. 35034/1/97 Estt (D) Vol IV dated 10/02/2000 clarified vide Sl. No. 16. "No up gradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion."
3. Since I have not failed to qualify departmental/skill test as on 09/08/99, the effective date of ACP may please be treated from 09/08/99, as it is same for other employees of ATC whose ACP is also sanctioned vide the same order under reference.

Prayer

Therefore I earnestly request you sir to kindly reconcile/recommend my case and dispatch service book to DACS by considering sympathetically the following.

- (i) The DQE for the post of ATC of ATC estt. was not conducted after 1988 and I have qualified at the first ever conducted DQE in 2003.
- (ii) I have passed the training/exam in 1995 for ILS/DME course (duly endorsed in service book and copy of certificate issued by M/S GCEL also enclosed with service book).
- (iii) Since no DQE was conducted after 1988, ILS/DME course may please be treated as alternative to DQE and DACS may please be intimated regarding passing of ILS/DME course as equivalent/ alternative to DQE.

Therefore, I request you sir to kindly consider my case favourably at the earliest since my retirement is in Oct 07.

Yours faithfully

Natabar Nanda

Attested by
Shri. D. S. D. S.
Adv.

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✓

Nataran Nanda
Comm. Asst, ATC AND A/W
Deen Deema
Dated the 24th Aug 2006

To
The Deputy Director (Admin.) A/W
ANC Hqrs
NEW DELHI-66

Sub: NON-ADMITTANCE OF ACP SCALE BY DACS

(Through proper Channel)

Sir,

I have the honour to invite your kind attention to my personal application dated 20th May 2006.

2. It is learnt that DACS is of the opinion that date of passing the DQI should be effective date of ACP eligibility whereas in terms of DepAT OM No.35034/1/97 Estt (D) VOL.IV dated 10-2-2000 Para 16 that "NO upgradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion."

3. I have got qualified in the first ever conducted DQI in 2003 after the screening Committee vide No.ANC/AW.153/99 (Pt.II)4899 dated 22 Aug 2000 found me eligible for ACP.

4. Sir, my retirement is due in Oct 2007 and have to submit my pension papers in Feb 2007. The retirement /terminal benefits would be on the basis of the yet to be admitted pay scale granted under ACP vide Cab.Sectt.order No.28/67/2001-NO-II-540 dated 25-5-2002.

5. Therefore, I request you Sir, to kindly intimate the DACS that ~~now~~ I have been found eligible by the Screening Committee and Cab.Sectt.has approved the ACP in terms of DepAT OM No.35034/1/97-Estt(D) dated 9-8-1999.

Thanking you Sir,

Yours faithfully,
Nataran Nanda
(NATARAN NANDA.)

NO. ANC/COM/CEO/ADMIN/GEN-1001

08 21 AUG 06

Attested by
Boudhany
Adv.

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Natabar Manda
Comm. Asst.,
ATC A/W Deesa Deesa
Dated the 19th Oct 2006

To
The Deputy Director (Admin.) A/W
ANC A/W Hqrs
NEW DELHI-66

Sub:- ADMITTANCE OF ACP SCALE

Respected Sir,

Reference is made to my application even dated 24th Aug 06.

2. I have already been communicated with Memo No. Accts/ANC/DEM/PT/IN/06/14037 dated 18-10-2006 to submit pension papers.
3. It is herewith stated that exact cases of 05 (out of 9 members of one office order No. 150/99) have already been admitted out of which 03 personnel have gone on retirement with actual retirement benefits duly pay fixed from 9-8-1999 when their PQE conducted later on.
4. It is once again requested to kindly intimate DACS that I was found eligible by the screening committee vide their report dated 11-10-1999 on the basis of which Hon'ble CAT, Cuttack bench was apprised vide Cab. Secy order No. I/109/98-PA.I(Pt.)-4139 dated 29-10-1999 and Cab. Secy has already approved the ACP w.e.f. 9-8-1999 vide their order even No. 28/67/2001-DO-II-540 dated 25-6-2002.
5. A line of communication is prayed for,
with regards,

Yours faithfully,
Natabar Manda
(NATABAR MANDA)

Attested by
[Signature]
Adv.

ANNEXURE-VIII

Natabar Nanda
Communication Assistant
ATC, A/W
ARC, Doom Dooma (Assam)

Dated the 27th Nov 2006

To
The Hon'ble Director (SR)
Office of the Cab. Sectt.
Bikaner House Annex
NEW DELHI-66

(Through proper channel)

Sub: - NON IMPLEMENTATION OF CAT CUTTACK JUDGEMENT
DATED 04 JAN 1999 IN OA No. 164/92 of N. NANDA V. UOI &
OTHER & DoP&T OM No. 35034/1/97-ESTT(D) DTD 09 AUG 1999

Sir,

With due respect and humble submission I beg to state the following for favour of your kind consideration.

1. That Sir, I had approached CAT Cuttack Branch for redressal of my grievances regarding pay scale parity with AAI and career advancement in accordance with MoF circular dated 13-9-91. As per directives of the Hon'ble CAT Cuttack Bench, the Committee did not agree for pay scale parity, but stated "that action has been initiated to give two financial upgradation in terms of DOP&T order, mentioned above" as intimated vide your officer order No. 1/109/98-EA-1(Pt.)-4140 dated 29 Oct 99.

2. My date of joining in the entry level grade i.e., Radio Operator is 12.4.1971 and as on 09 Aug 1999 I had already completed 28 years of regular service.

3. In pursuance of DoP&T order mentioned above, the cadre controlling authority i.e., DD (A) A/W has recommended IInd ACP vide No.ARC/AW.153/99(Pt.)-9548 dated 29 Oct 99 superseded by No.ARC/AW.153/99(Pt.)-4899 dated 22 Aug 2000 wherein it is also certified that "the screening committee, has kept in mind the check points mentionewd in OM dated 09 Aug 99, in para 3(3.1), (3.2) and conditions laid down in para 1, 2, 4, (5.1), (5.2), 6, 10, 11, 13, & 14 of Annexure-I of the said order". The approval of the Government is conveyed by Dy. Secy (SR) vide Cab. Sect.28/67/2001-DO.II-540 dated 25-06-2002.

4. It is understood that my cadre controlling authority has followed the guidelines of Annexure-I para.3 (ACP shall be granted from the date of completion of the eligibility period prescribed under the ACP schemes or from the date of issue of these instructions i.e., OM dated 09 Aug 99 which ever is later) and para 15 (in case where employees have already completed 24 years of regular service; with or without promotion, the second financial upgradation under the scheme shall be granted directly).

Attested by
Chandrasekhar
Adv.

5. It is also clarified vide DoP&T OM No.35014/1/2003-Estt(D) dated 29 June 2004 para-4 that "it is clear from harmonious reading of condition No.6 of the ACP scheme with other conditions and stipulations of the scheme that, while a person has to be eligible in all other aspects (Educational Qualifications, Departmental Exam, Skill/ Trade test, Bench mark etc) to hold HIGHER POST, in terms of the R/R, the scales of which being considered, under, the ACP scheme, in so far as the requirement is that, he should have completed the prescribed 12 or 24 years regular service completed from the direct entry grade."

6. I am fulfilling all the conditions given in the above para 4 and 5. In addition to that, I am also qualified in the Departmental Qualifying Examination conducted in 2003. The DoP&T OM NO.35034/1/97-Estt(D) (Vol.IV) dated 10 Feb 2000 stipulates that "no upgradation shall be allowed, if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion."

7. Sir, the ACP scheme is a "Safety net" to deal with problems of genuine stagnation and hardship faced by employees due to lack of adequate promotional avenue, but ironically my Pay and Accounts Office i.e., Director of Accounts, Cab. Sect. Is not admitting my fixation of Pay for the last 6 years- under various observations. The basic purpose of ACP scheme is defeated by the inordinate delay. I am due for retirement on 31 Oct 2007 and non-fixation of pay scale Basic pay is having a direct bearing on my retirement and terminal benefits.

8. Therefore, it is earnestly requested that your kind intervention at this critical juncture of my career will help me and go a long way in settling the issue or also I may be compelled to seek the protection under law to get the natural justice.

Thanking you sir,

Yours faithfully,

Copy to

1. Special Secretary
ARC HQ
New Delhi

2. Deputy Director (Admin)
ARC HQ
New Delhi

(With a request to forward a copy of my application to Asst. Director of Accts, office of the DACS, RK Puram, New Delhi).