

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 6/2007

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SECTION OFFICER (Judl.)

Bahiley  
20/9/17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

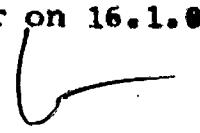
1. Original Application No. 6/07
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Balan R VS Union of India & Ors

Advocate for the Applicant(s) Mr. D. K. Raik

Mr. B. Sonora, Mrs. B. Chakrabarty  
Mr. G. Basu Ray

Advocate for the Respondant(s) Mr. C. A. S.

Notes of the Registry	Date	Order of the Tribunal
File application is in form is filed/C. F. for Rs. 50/- posted vide IPO/BD 10.28.6.9.25.0.8.9 Placed 20.12.06.....	19.1.07	Post the matter on 16.1.07.   Vice-Chairman
Dy. Registrar <i>9.10.07</i> <i>Re:</i>	15.1.07	<p>The case is actually posted on 16.1.07. The learned counsel for the applicant submitted that this may be preponed and taken today since he has some personal difficulty to appear tomorrow. prayer allowed.</p> <p>File is brought and the case is taken up today.</p> <p>The issue involved in the case is for granting the benefit of second ACP. The applicant contended that he is eligible for the same.</p> <p>Considering the matter issue notice to the respondents.</p> <p>Post on 19.2.07 for show cause and admission.</p>

vice-Chairman

OA 6/07

15.1.07

Heard Mr U.K.Nair, learned counsel for the applicant.

Notice & order sent to D/Section for issuing to R-4 and 5 by regd. A/D post.

Co/s D/No- 83, 84

16/1/07 Dt- 23/1/07

23.2.2007

Notice issued to R- no. 4 & 5.  
Service Report awaited

by

The case is actually posted on 16.1.07. The learned counsel for the applicant submitted that this may be preponed and taken today since he has some personal difficulty to appear tomorrow. Prayer allowed. File is brought and the case is taken up today.

The issue involved in the case is for granting the benefit of second ACP. The applicant contended that he is eligible for the same.

Considering the issue involved issue notice to 4<sup>th</sup> and 5<sup>th</sup> respondents.

Post on 28.2.07 for admission and statement of the said respondents.

Vice-Chairman

pg

26.2.07. Considering the issue involved I am of the view that the O.A. has to be admitted.

Application is admitted. Issue notice on the respondents. Four weeks time is granted to the respondents to file written statement. Post the matter on 27.3.07.

Vice-Chairman

lm

27.3.07.

Three weeks further time is granted to file written statement. Post the matter on 23.4.07.

Vice-Chairman

lm

No W/S has been filed.

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19.4.07.

16.5.2007 A. 6/07 Mr. B. Sarma, learned counsel for the  
Applicant is present. Mr. G. Baishya

23.4.2007 Present: The Hon'ble Mr. G. Shanthappa  
Member (J)

The Hon'ble Mr. G. Ray, Member (A)

Mr. B. Sarma, learned counsel for the  
Applicant is present. Mr. G. Baishya,  
learned Sr. C.G.S.C. representing the  
Respondents sought for some more time to  
file reply statement. Three weeks time is  
granted.

No W.Ls have been  
billed.

Call on 16.05.2007.

20  
15.5.07.

Member (A)

Member (J)

/bb/

16.5.2007

Mr. B. Sarma, learned counsel for the  
Applicant is present. Mr. G. Baishya  
learned Sr. C.G.S.C. wanted further time to  
file reply statement. Three weeks' time is  
allowed.

23  
8.6.07.

Post on 11.06.2007.

/bb/

Vice-Chairman

11.6.07. At the request of learned counsel for  
the respondents further three weeks time  
is granted to the respondents to file  
written statement. Post the matter on  
11.7.07. Interim order shall continue.

16.7.07.

Vice-Chairman



24.07.2008

None appears for either of the parties.

Call this matter on 05.08.2008 for hearing.

w/s filed.

4.8.08

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

lm

05.08.2008 This matter (pertaining to ACP claims) be called before the Division Bench on 16.09.2008.

w/s filed.

15.9.08

Learned Counsel for the Parties take notice of the next date of hearing.

nkm

  
(M.R. Mohanty)  
Vice-Chairman

16.09.2008

On the prayer of learned counsel appearing for both the parties, call this matter on 17.11.2008 for hearing.

w/s filed.

17.11.08

lm

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

17.11.2008

Mr. B. Sarma, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present. On their requests call this matter on 20.11.2008.

  
(S.N. Shukla)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

pg

20.11.2008 Heard Mr. B. Sharma, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel for the Union of India representing the Respondents and perused the materials placed on record. In course of hearing, the learned counsel for the Applicant has stated that the Applicant was neither placed on suspension nor departmental proceedings charge-sheet or criminal charge-sheet were drawned against him. By that time, the Applicant completed 24 years of regular service.

Hearing concluded. Judgment reserved.

nb

(S.N.Shukla)  
Member(A)

(M. R. Mohanty)  
Vice-Chairman

02.12.2008 Judgment pronounced in open Court, kept in separate sheets. The Application is allowed in terms of the order. No order as to costs.

(S.N.Shukla )  
Member(A)

(M. R. Mohanty)  
Vice-Chairman

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Pinned  
Great Blue Heron  
gallus  
A. 12-08 pg

8/12 08 1000 AM - 1000 PM

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ASV for the  
application.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos. 6 of 2007.

DATE OF DECISION: 02-12-2008.

Sri Balan R

.....Applicant/s

Mr B. Sarma

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr. G. Baishya, Sr. C.G.S.C.

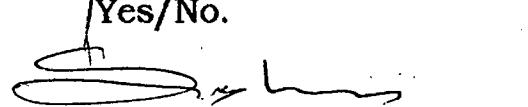
.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR S.N.SHUKLA, ADMINISTRATIVE MEMBER

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 their Lordships wish to see the fair copy of the judgment ? Yes/No.

  
Vice-Chairman/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 6/2007.

Date of Order : This the 2nd Day of December, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR S.N. SHUKLA, ADMINISTRATIVE MEMBER

Sri Balan R,  
Son of Late V.K.Ramankutty,  
Presently working as Works Sarkar Grade-III,  
Central Water Commission,  
New Champai, Champai,  
Mizoram. ....Applicant

By Advocate Sri B. Sarma

Versus -

1. The Union of India,  
represented by the Secretary to the  
Government of India,  
Ministry of Water Resources,  
New Delhi.
2. The Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi – 110066.
3. The Chief Engineer,  
Central Water Commission  
B & B B Organisation, “Rebikka Villa”,  
Near Bark Point, Temple Road,  
Lower Lachumiere, Shillong- 1,  
Meghalaya.
4. The Superintending Engineer,  
North Eastern Inv. Circle, C.W.C,  
“Rebikka Villa”,  
Near Bark Point, Temple Road,  
Lower Lachumiere, Shillong- 1,  
Meghalaya.
5. The Executive Engineer,  
North Eastern Inv. Division No.1  
Central Water Commission,  
Rangpur Park-1, Silchar,

District Cachar, Assam – 788009.

..... Respondents

By Shri G. Baishya, Sr. C.G.S.C.

ORDER (ORAL)

S.N.SHUKLA, MEMBER(A)

The Applicant joined the service under the Respondents authorities in the year 1980 as a Khalasi. In the year 1982 he was promoted to the post of out-Board Engine Helper and, subsequently, re-designated as Works Sarkar Grade-III and continued to discharge the same function till the date of filing of this Original Application under section 19 of the Administrative Tribunals Act,1985. The Applicant during the period, beyond 1982, has not earned any promotional benefit.

2. It is contended that precisely to mitigate the hardship suffered by such Government employees, who do not have adequate promotional avenues, the Government of India formulated Assured Career Progression (in short 'ACP') Scheme. As per the said scheme (notified through Ministry of Personnel, Public Grievance and Pensions) the scheme designated as "Assured Career Progression Scheme". Two financial upgradation are to be granted to (Group B, C and D) employees, on completion of 12 years and 24 years of regular service, subject to other conditions specified in the scheme. The scheme was subjected to be regulated under the CCS (CCA) Rules 1965 and instructions contained therein in relation to the cases where disciplinary proceedings were pending.

*[Signature]*

3. As per the above said scheme, the Applicant claimed to be entitled to financial upgradation with effect from 13.01.2004 on completion of 24 years of service. The Departmental Screening Committee was constituted in the year 2005-06 for the said purpose. However, the Applicant's name was omitted from the purview. After exhausting the remedies available to him, the Applicant has filed this Original Application on 20.12.2006.

4. In their written counter, the Respondents have stated that in the Review Departmental Screening Committee (set up in the year 2005-06) the eligibility of all the employees (based on the check list furnished by the respective disciplinary authorities/head of office in respect of each individual employee) was considered. While reviewing the check list, it was found that Vigilance clearance from the disciplinary authority in respect of the Applicant (along with other five employees working in the office of Respondent No.5) was not furnished on the ground of his alleged involvement in the Bogus Money Order Scam. Accordingly names of all the six employees (along with the Applicant) was excluded from the order granting benefit of ACP. The Respondents in their written statement proceeded on to further elaborate on the details of the alleged misconduct on the part of the Applicant; on account of which the vigilance clearance was not granted. For the purpose of this order it is not relevant for us to go into those details.

The current status, however, as stated (on instructions) by the learned Sr. Standing counsel Mr G. Baishya is that there is neither any

departmental charge sheet nor any criminal charge sheet drawn/pending against the Applicant.

5. We have given our keen consideration to the arguments advance by Mr B. Sarma, learned counsel appearing for the Applicant and Mr G. Baishya, learned Sr. Standing counsel appearing for the Respondents and perused the materials placed before us.

6. The matter in issue is no more res-integra. The law on this point is well settled by the decision of the Hon'ble Supreme Court of India rendered in the case of Union of India & Ors. Vs. K.V.Jankiraman & Ors., reported in (1991) 4 SCC 109. For the sake of clarity the relevant paragraph of the reported head note is reproduced as under :

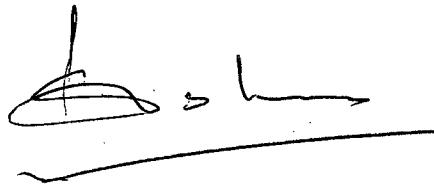
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"Promotion – Sealed Cover procedure – When can be resorted to –Held, consideration of case of an employee for promotion, selection grade, crossing of efficiency bar or higher scale of pay cannot be withheld merely on ground of pendency of any preliminary inquiry/criminal investigation against him – Sealed cover procedure can be adopted only after the date of issuance of charge memo/charge sheet, that being the date from which disciplinary/criminal proceedings can be taken to have been initiated – Sealed cover procedure can also be adopted where the employee is placed under suspension – Government of India (Dept. of Personnel and Training) OMs No.22011/1/79 Estt.(A) dated January 30, 1982 and No. 22011/2/86/Estt.(A) dated January 12, 1988."

7. In the above view of the matter, there is no dispute, on facts that the conditions which will make a case seal cover are absent in the case of the present Applicant. Therefore, the action of the Respondents goes against the guide line laid down by the Hon'ble Supreme Court. This case is, accordingly, allowed, The Respondents are accordingly directed to grant the second ACP to the Applicant on

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completion of 24 years of service along with arrears. This exercise must be completed within a period of 3 completed months from the date of receipt of a copy of this order. There will be no order as to costs.

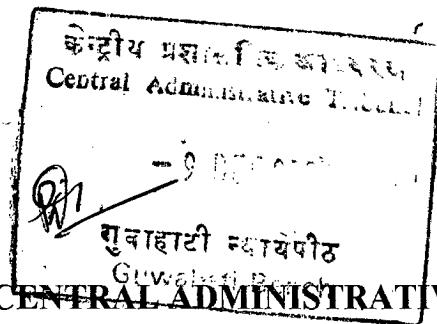


(S.N.SHUKLA)  
ADMINISTRATIVE MEMBER



(MANORANJAN MOHANTY)  
VICE CHAIRMAN

//pg//



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 6 /2006.

Shri Balan R.

.....Applicant.

VERSUS

The Union of India & Ors.

.... Respondents.

SYNOPSIS

That the applicant has by way of this Original Application raised a grievance against the arbitrary, illegal, discriminatory and malafide action on the part of the respondent authorities in denying to him the benefit of financial upgradation he is entitled to under the Assured Career Progression Scheme and granting the same to persons junior to him. The Government of India in the Ministry of Personnel, Public Grievances and Persons (Department of Personnel and Training) formulated the scheme by the name and style "Assured Career Progression Scheme" under which, it was decided to grant two financial upgradation to Group – B, C & D employees who have completed 12 years and 24 years of regular services respectively subject to the conditions specified in the scheme itself. The scheme further stipulated that in cases where disciplinary proceedings were pending, such cases would be regulated under the provisions of the CCS (CCA) Rules of 1965 and instructions contained there under. The applicant had joined his services under the respondent authorities in the year 1980 in the capacity as a Khalasi and thereafter in the year 1982 basing on his meritorious services, he was promoted to the post of Out Board Engine Helper, which post was subsequently re-designated as Works Sarkar Grade – III and till this very date he has been discharging his duties against the said post without

availing any promotional benefits resulting in stagnation of his service which makes him entitled for the grant of the benefits under the aforesaid scheme. As per the provisions of the said scheme the applicant is entitled to be conferred with the first financial up-gradation w.e.f. 13.01.04, the date on which he had completed 24 years of service. In terms of the provisions of aforesaid scheme the Review Departmental Screening Committee for considering the cases of persons similar to that of the applicant for the grant of the benefit of financial up-gradation under the aforesaid scheme was constituted in the year 2005-2006, but for reasons best known to the respondent authorities the case of the applicant was omitted from the purview of consideration while granting the said benefit to persons much junior to the applicant and in the process meting the applicant with hostile discrimination. It is pertinent to mention here that before 13.01.04 and/or on any date thereafter including the date on which the Review Departmental Screening Committee had met for consideration of the cases of the eligible staff working in the establishment under the respondent authorities for the grant of the said financial benefit, no any departmental proceeding was initiated and/or pending against the applicant and as such the applicant could have been excluded from the purview of the aforesaid scheme and all the benefits flowing there from ought to have been granted to the applicant. The denial of the said benefit to the applicant has resulted in miscarriage of justice against him and as such he has come under the protective hands of your lordships praying for urgent and immediate relief/ relief's.

Filed by

  
(C. B. Sharma)

Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 6 /2006.

**BETWEEN**

Shri Balan R., Son of late V. K. Ramankutty, presently working as Works Sarkar Grade-III, Central Water Commission, New Champai, Champai, Mizoram.

.....Applicant.

**VERSUS**

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Water Resources, New Delhi.
2. The Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi – 110066.
3. The Chief Engineer, Central Water Commission B & B B Organisation, “Rebikka Villa”, Near Bark Point, Temple Road, Lower Lachumiere, Shillong – 1, Meghalaya.
4. The Superintending Engineer, North Eastern Inv. Circle, CWC, “Rebikka Villa”, Near Bark Point, Temple Road, Lower Lachumiere, Shillong – 1, Meghalaya.
5. The Executive Engineer, North Eastern Inv. Division No. 1, Central Water Commission Rangpur Part – I, Silchar, District – Cachar, Assam – 788009.

..... Respondents.

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filed by: the applicant  
through → *Srijesh Sharma*  
Advocate.

(BALAN R)

**1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:**

This application is directed against the arbitrary and illegal action on the part of the respondent authorities in denying to the applicant financial upgradation under the Assured Career Progression Scheme, on completion by him of the prescribed period of service under the respondent authorities. The applicant who is entitled to get his 2<sup>nd</sup> financial upgradation under the ACP Scheme has been discriminated against inasmuch as while said benefit was not extended to him, it came to be extended to persons junior to him in service.

**2. JURISDICTION:**

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

**3. LIMITATION:**

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protection and privileges guaranteed under the Constitution of India and the laws framed thereunder.

4.2 That the applicant states that on being found to be suitable he was appointed as Khalasi in the establishment of the respondent no. 5. The applicant (BALA N. R) was appointed in the Works Charged Establishment functioning under the respondent no. 5 and he had joined his services on 14.01.80.

4.3 That your applicant states that on being found to be suitable in view of the meritorious services being rendered by the applicant, he was promoted to the post of Out Board Engine Helper on 13.05.82.

4.4 That the applicant states that on successful completion of the period of probation, the case of the applicant was placed before the Departmental Promotion Committee to access his suitability for confirmation in his services. The DPC accordingly assessed his case and on finding him to be suitable recommended for his absorption in services. The Respondent No.5 vide his Office Order dated 30.06.90 proceeded to confirm the applicant in his service w.e.f 01.04.88 against the post of Khalasi.

A copy of the order dated 30.06.90 is annexed as Annexure - 1.

4.5 That your applicant states that the post of Out Board Engine Helper held by the applicant on promotion came to be re-designated by the Commission and it was renamed as Works Sarkar Grade-III. The re-designation as ordered by the Commission was implemented by the Respondent No. 5 vide his Office Order dated 04.03.92.

A copy of the said Office Order dated 04.03.92 is annexed as Annexure-2.

4.6 That the applicant states that since the date of his initial appointment he has been discharging the duties assigned to him to the best of his ability and without blemish to any quarter. The applicant was never communicated with any adverse remark nor were any departmental proceedings drawn up against him. The Respondent authorities in terms of the provisions of Rule 32 of the CCS (Pension), Rules 1972 proceeded to verify his services and the period of his service w.e.f 14.01.80 to 31.03.05 has been treated to be qualifying service for the purpose of Pension.

(B4242)

A copy of the certificate issued in pursuance to the verification of the period of service rendered by the applicant is annexed as Annexure-3.

4.7 That the applicant states that after the promotion as effected in his case on 13.05.82 to the post of Out Board Engine Helper (re-designated as Works Sarkar Grade-III) no avenue for advancement in his service career was afforded to the applicant. The applicant accordingly stagnated in the post of Works Sarkar Grade-III.

4.8 That the applicant states that appreciating the problems of stagnation and hardship faced by its employees due to lack of adequate promotional avenues, the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) formulated a scheme called the Assured Career Progression Scheme (herein after referred to as 'ACP Scheme' for the sake of brevity). In terms of the said scheme, it was decided to grant two financial upgradation to Group – B, C & D employees on completion of 12 years and 24 years of regular services respectively subject to the conditions specified in the scheme itself. The scheme further stipulated that in cases where disciplinary proceedings were pending such cases would be regulated under the provisions of the CCS (CCA) Rules, 1965 and instructions thereunder.

The applicant craves leave of Hon'ble Court to refer and rely upon the provisions of the office memorandum dated 09.08.99 on the subject 'Assured Career Progression Scheme' at the time of hearing of this application.

4.9 That the applicant states that the employees working in the Work Charged Establishment, under the Respondent no. 4, where being conferred with the benefit of financial upgradation under the ACP scheme from time to time. The respondent no. 4, had vide office order dated 29.08.03 applied the ACP scheme to the staff working in the work charge establishment, under him. The said scheme was made applicable from the date of entitlement of the employees and the employees so entitled were given the said benefit w.e.f. 09.08.99. The applicant who had not completed 24 years service w.e.f the date of his initial appointment against the post of Khalasi, at the time of issuance of the office order dated

(BALA A/P)

29.08.03 was naturally not considered for the financial upgradation under the ACP scheme.

A copy of the office order dated 29.08.03 along with its enclosure is annexed as Annexure -4.

**4.10** That the applicant states that a Review Departmental Screening Committee was setup in the year 2005 – 2006, for consideration of the cases of eligible employees working in the Work Charged Establishment, for grant of the benefit of financial upgradation under the ACP Scheme. Basing on the recommendation of the said Screening committee the respondent no. 4 vide office order dated 20.11.06 proceeded to accord sanction for grant of financial upgradation to the work charged staff working under the North Eastern Investigation Circle, CWC, Shillong whose names were laid out in Annexure – 1 list annexed to the said office order dated 26.10.06.

A copy of the said office order dated 26.10.06 is annexed as Annexure -5.

**4.11** That the applicant states that mere perusal of the Annexure – 1 list annexed to the office order dated 20.10.06, it would be revealed that the name of the applicant has been omitted from the said list, while persons junior to him in service have been granted the benefit of 2nd financial upgradation under ACP Scheme. The persons whose name figure at Serial No.2 to 9 in the list as annexed to the order dated 20.10.06, under the heading Work Sarkar Gr III are all junior to the applicant in service.

**4.12** That the applicant states that in terms of the condition required to be fulfilled for grant of benefits under the ACP Scheme, an employee would be entitled to the first financial up-gradation in the event during the 12 years of service from the date of initial appointment, no promotion was granted to the employee. Persons who have been granted a promotion during their service career would be entitled to the 2<sup>nd</sup> financial upgradation on completion of 24 years of service. The period of 24 years of service in terms of the said scheme is to be calculated w.e.f the date of the initial appointment of the person in service as a

(BALON, R)

direct recruit. Further, the conditions as prescribed under the said ACP Scheme mandate that in cases of employees against whom disciplinary proceedings are pending and/ or penalties have been imposed their cases would be considered by the screening committee by adopting the procedure prescribed for consideration of cases of such category of employees for normal promotion.

4.13 That the applicant states he was granted a promotion to the cadre of Works Sarkar Grade-III on 13.05.82 and thereafter he has not been granted any promotion. In terms of the ACP Scheme the applicant is entitled to be conferred with the second financial up-gradation w.e.f. 13.01.04 i.e. the date on which he completes 24 years of service in the organisation. The applicant fulfills all the conditions as prescribed in the ACP Scheme, for grant of financial up-gradation.

4.14 That the applicant states on enquiry made by him with the respondent authorities he has come to learn that his name was not forwarded to the Screening committee and as such he was excluded from consideration for grant of the benefits flowing from the ACP Scheme. It is stated that before 13.01.04 and/ or on any date thereafter, including the date on which the Review Departmental Screening Committee had met for consideration of the cases of eligible staff working in work charge establishment under the respondent no. 4, there was no departmental proceeding initiated and/ or pending against the applicant. As such the applicant could not have been excluded from the purview of the ACP scheme and all benefits flowing there from ought to have been granted to the applicant.

4.15 That the applicant states that the Apex Court has in a catena of decision time and again emphasised that disciplinary proceeding would stand initiated only when a charge memo is issued to the employee concerned. The pendency of preliminary investigation prior to issuance of charge memo cannot debar an employee from having his case considered on merit for further promotion. In the case on hand either prior to 13.01.04 and/ or on any date thereafter including the date on which the Review Departmental Screening Committee had met (as indicated in the office order dated 20.10.06), no charge memo came to be issued against the applicant and as such the respondent authorities were duty bound to consider the case of the applicant for grant of the benefits due to him under ACP Scheme w.e.f. 13.01.04.

(BALDWIN.P)

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4.16 That the applicant states that inspite of being eligible for being granted the benefits under the ACP Scheme w.e.f. 13.01.04 the Review Departmental Screening Committee basing on extraneous considerations did not consider his case. The exclusion of the name of the applicant from the purview of consideration, inspite of the fact that no departmental proceedings and/ or Criminal proceedings is pending against the applicant, is per-se illegal, arbitrary and discriminatory.

4.17 That the applicant states that he is entitled to be granted his Second financial up-gradation on completion of 24 years of service w.e.f. 13.01.04 and there exist no earthly reason for denying to him the said benefit. The applicant fulfills all the conditions prescribed in the office memorandum dated 09.08.99. Further, the certificate dated 09.08.06 (Annexure-4) clearly reflects that there is no break in service in case of the applicant and accordingly applicant is entitled to have his services reckoned w.e.f 14.01.80 for the purpose of grant of benefits under the ACP Scheme. As such the denial to the applicant of the benefits flowing from the ACP Scheme w.e.f. 13.01.04 while extending the benefits to his juniors is arbitrary, illegal and discriminatory.

4.18 That the applicant states that on his name not being included in the list of employees annexed to office order dated 20.10.06 the applicant took up the matter with the respondents and prayed for rendering justice to him by extending to him the benefits as flowing from the ACP Scheme, but his such appeals failed to evoke any response. The applicant has been deliberately left out from the purview of the ACP Scheme by the respondent authorities so as to facilitate the grant of the benefits flowing from the said scheme to person junior in service in comparison to the applicant.

4.19 That this application has been filed bonafide and to secure ends of justice.

(BALP)

23

5. **GROUND FOR RELIEF WITH LEGAL PROVISIONS:**

5.1 For that the impugned action/ inaction on the part of the respondent authorities in denying to the applicant the benefits due to him under the ACP Scheme is per-se illegal, arbitrary and discriminatory.

5.2 For that the applicant having fulfilled all the conditions as spelt out in the ACP Scheme for being granted financial up-gradation, the name of the applicant could not have held back from the Departmental Screening Committee and the deprivation as meted out to the applicant in this connection has caused miscarriage of justice.

5.3 For that there being no departmental proceeding initiated and/ or pending against the applicant, nor he being imposed with any penalty, the respondent authorities could not have denied to consider the case of the applicant for grant of financial up-gradation under the ACP Scheme. Such denial amounts to deprivation and the same not supported by any justifiable cause of reason, the same amounts to illegal discrimination of the applicant.

5.4 For that the applicant having not violated any of the conditions as spelt out in the ACP Scheme, his case was required to be considered by the Review Departmental Screening Committee, failure to consider the case of the applicant has caused miscarriage of justice

5.5 For that in any view of the matter, the impugned action/ inaction cannot stand the scrutiny of law and is required to be interfered with.

6. **DETAILS OF THE REMEDIES EXHAUSTED:**

*(BPLA 2)* That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him. The urgent nature of the relief's as sought for in this application has forced the applicant to approach this Hon'ble Tribunal at the earliest possible instance.

7. **MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

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

8. **RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant most respectfully prays that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be pleased to grant the following relief's to the applicant:

- 8.1 To declare the action/ inaction on the part of the respondent authorities in depriving the applicant from the benefits of financial up-gradation under the ACP Scheme while granting the same to his juniors as illegal, arbitrary and discriminatory.
- 8.2 To direct the respondent authorities to grant to the applicant his 2<sup>nd</sup> financial up-gradation under the ACP Scheme w.e.f. 13.01.04 with all consequential benefits.
- 8.3 Cost of the application.
- 8.4 And/ or to pass such further other order/ orders as Your Lordships may deem fit and proper.

9. **INTERIM ORDER PRAYED FOR:**

That in the facts and circumstances of the case, the applicant at this stage does not pray for any interim

direction, but prays that your Lordships would be pleased to direct for an early disposal of the application.

10. ....

**11. PARTICULARS OF THE POSTAL ORDER:**

- i) IPO No. :- 28G 925089
- ii) Issued from :- Gauhati
- iii) Payable at :- Guwahati.

**12. DETAILS OF INDEX:**

An Index showing the particulars of documents is enclosed

**13. LIST OF ENCLOSURES:**

As per Index.

(BALDARE)

**VERIFICATION**

I, Shri Balan R., aged about 50 years, son of late V.K.Ramankutty, presently working as Works Sarkar Grade-III, Central Water Commission, New Champai, Champai, Mizoram, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 1,2,3, 4.1,4.2,4.3, 4.7,4.8,4.9,4.10,4.11,4.12,4.13,4.19 and 5 to 12 are true to my knowledge; those made in paragraphs 4.4, 4.5, 4.6 and 4.10 are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 2<sup>nd</sup> day of December, 2006.

  
 (BALAN R)

ANNEXURE- 1

Gram :: 'Northeast'

Phone :: 21187

No. NEID-I/GC-41/90/ 4354 - 410

Government of India  
Central Water Commission  
North Eastern Inv. Division No.I

Rongpur Part-I : Silchar-9.

Dated. 30.06.1990

□ F F I C E □ R D E R

Consequent upon the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) O.M No.18011/1,86-Estt(D) dated 28-3-88; Commission's letter No. 49011/63/88-Estt.IV, dated 17-10-88 and as per D.P.C held, the following Workcharged staff of North Eastern Inv. Division No.I, C.W.C, Silchar-9 holding various categories of Posts are hereby declared Confirmed in their respective entry grade/as shown against their names :-  
/ from the dates

Sl.No.	Name and Designation	Declared confirmed in the entry grade.	Date of confirmation
1.	S/Sh. S. K. Paul, W/S Gr.I	W/C Helper	01-04-1988
2.	Bimal Chakraborty, W/S-II	W/C Khalasi	-do-
3.	K. Babu, W/S Gr.II	W/C Khalasi	-do-
4.	Sadhan Ghosh, W/S Gr.II	W/C Khalasi	-do-
5.	Bidhu Deb Roy, W/S Gr.II	W/C Khalasi	-do-
6.	B. L. Thapa, W/S Gr.II	W/C Khalasi	-do-
7.	K.P. Debnath, W/S Gr.II	W/C Messenger	-do-
8.	Kulo Chandra Singh, W/S II	W/C Store Khalasi	-do-
9.	Sangaichow Singh, W/S II	W/C Khalasi	-do-
10.	Anup Kr. Choudhury, W/S Gr.II	W/C Messenger	-do-
11.	M. K. Nath, W/S Gr.II	W/C Khalasi	-do-
12.	T. Bordoloi, W/S Gr.II	W/C Khalasi	-do-
13.	Romon Singh, W/S Gr.II	W/C Khalasi	-do-
14.	Chandranoni Singh, W/S II	W/C Khalasi	-do-
15.	Birendra Kr. Sinha, Mechanic.	W/C Driver cum Mechanic	-do-
16.	Nur Islam Laskar, Welder	W/C Motor Mechanic Helper	-do-
17.	R. Balan, O.B.E Helper	W/C Khalasi	-do-
18.	K. K. Das, W/S Gr.III	W/C Khalasi	-do-
19.	Miss. Manju Paul, W/S Gr.III	W/C Messenger	-do-
20.	S/Sh.M. R. Laskar, W/S Gr.III	W/C Khalasi	-do-

Certified to be true Copy

*Ami Jorai*  
Advocate

ANNEXURE-2

Gram :: 'Northeast'

Phone :: 21187

Government of India  
 Central Water Commission  
 Office of the Executive Engineer  
 North Eastern Inv. Division No. I,  
 Rongpur part-I, Silchar - 9  
 Dist- Cachar (Assam)

NO. NEID-I/Estt-27/92/ 1625-57

Dated : 4/3/92

OFFICE ORDER

In accordance with the Commission's letter No. 1.6/86-Estt. XII, dated 22.4.88 the following work-charged staff, have been redesignated w.e.f. the date of issue of the above letter i.e. 22.4.88, due to merging of posts.

Sl.No.	Name & Present Designation.	Redesignated as	Where posted
1.	S/Shri M.R. Roy, Work Assistant. Worksarkar gr.II	NEISD-II, Rongpur.	
2.	" L.B.Chettri, Work Assistant.	-do-	-do-
3.	" S.S.Das, Work Assistant.	-do-	NEISD-IV, CWC, Dharmanagar.
4.	" Domodhar Sharma, Blacksmith.	Carpenter gr.II	NEID-I, CWC, Rongpur.
5.	" Mahananda Jha, Pump Driver.	Machine Operator gr-II	NEISD-IV, CWC, Dharmanagar.
6.	" Mongal Singh Rai, Pump Driver.	-do-	-do-
7.	" Nur Islam Laskar, Welder.	Mechanic gr-II	NEID-I, Rongpur.
8.	" Rakhal Das Gupta, A.G.O	Machine operator	
9.	" Ranjit Kr.Paul, Machineman.	gr-III	-do-
10.	" B.B.Gurung, O.B.Driver.	-do-	-do-
11.	" R.Balan, O.B.E Helper.	O.B.E Driver.gr.II. NEISD-V, Dimapur.	
		Worksarkar-gr-III	-do-

PTO

Copy to :

(R.C. JHA)  
EXECUTIVE ENGINEER

1. The Superintending Engineer, NEIC, CWC, Shillong-14 for favour of information please.
2. The I/C AEE, NEISD-II/III, CWC, Rongpur/Manughat for information please.
3. The Asstt.Engineer, NEISD-IV, CWC, Dharmanagar for information please.
4. The I/C AE, NEISD-I/V, CWC, Ambassa/Dimapur for information please.
5. The Jr.Engineer(HQ) Divn.office.
6. The Accounts Branch, Divn.office.
7. Drawing Branch, Divn.office.
8. Person concerned - 11 nos.
9. Personal file - 11 copies.
10. Office order file- Estt-20.

Certified to be true Copy

Advocate

GOVERNMENT OF INDIA  
PAY AND ACCOUNTS OFFICE  
ROOM No.703, SEWA BHAWAN  
R.K.PURAM, NEW DELHI-110066

No.WR/PAO/CWC/PN/S-V/2005-06/1119

DATE 09/08/06

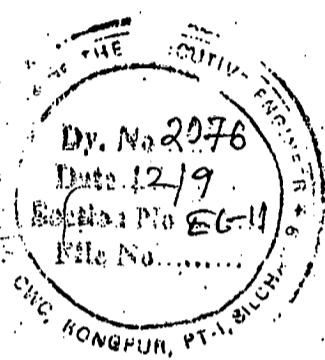
To

The Ex. Engineer

C.W.C., NEID-I

Jalbikashpura, Rengpura

Post-T. Silchar



Subject: Verification of Service of Sh./Smt. Balan R. Wts Gr. III

Your Ref: NEID/PE-S6/G6/1412 dt 20/4/06

Sir,

Service of Sh./Smt. Balan R from 14-1-80 to 31-3-05 has been verified based on relevant entries made in the Service Book & the statement of details of service verification furnished by the concerned officer. A Service Verification Certificate for the said period under Rule 32 CSS (Pension 1972) may accordingly be recorded in the Service Book of the official concerned quoting this as authority. A Certificate of this effect may also be issued to the official as required under the rules. It is subject to verification of audit.

Mrs  
PC

Yours faithfully,

Encl:- Service Book of  
Official concerned.

*Recd/Book  
Copy  
11/9*

This is in correction of this  
office letter No. WR/PAO/CWC/PN/S-V/05-06/2415  
therein the period of service was shown as  
14-1-80 to 31-3-05.

*Myself  
Pay & Accounts Officer*

*12.9.06  
E/F 10/9/06*

*OS x. 06  
BALAN. R.  
CEN.WACO.  
NORTHEAST.*

*Certified to be true Copy  
Anni [Signature]  
Advocate*

## ANNEXURE-4

09-29-03 15:56 CWC NONGSHILLIANG SHILLONG  
Gram: 'SEINBC' Shillong

TEL: 03642521336

Phone: (0364) 2521049  
Fax: (0364) 2521330

No. NEIC/2003/2002-03/ 3272-75  
Government of India  
Central Water Commission  
North Eastern Inv. Circle  
'Jairi Mansion' Nongshilliang  
Shillong-14 (Meghalaya)

Dated 29/9/2003

### OFFICE ORDER

In pursuance of DoPT OM No.35034/1/97-Estt(D) dated 09-08-1999 and CWC letter No.32022/2/99-E-XII dated 10-05-2000, and consequent upon acceptance of the recommendations of the departmental Screening Committee for grant of financial upgradation under ACP Scheme, sanction of the competent authority is hereby accorded to grant financial upgradation to the Work Charged staff working under North Eastern Inv. Circle, CWC, Shillong whose names, effective dates and pay scales are shown against their name in Annexure-I.

The grant of financial upgradation to this officials is subject to the various provisions of the above mentioned OM of DoPT including the following :-

- i) The above financial upgradation merely envisages placement on personal basis in the higher pay scale and will not amount to actual/functional promotion.
- ii) The designation of the incumbent will not change due to the financial upgradation under ACP Scheme.
- iii) The financial upgradation shall not confer any privileges related to the higher status.
- iv) Grant of higher pay scale under the ACP Scheme is conditional to the effect that the incumbent while accepting the said benefit shall be deemed to have given his unqualified acceptance for the vacancy based promotion to the higher pay scale which may occur subsequently and in case of refusal he shall be debarred from promotion as per the rules.
- v) On upgradation under ACP Scheme the beneficiary is entitled to have his pay fixed in the higher scale under F.R.22(1) a (i) which shall be final and no pay fixation benefit shall accrue at the time of regular promotion. They may exercise option for fixation of their pay within one month from the date of issue of this Order.

Contd...2/-

REF ID: 9  
Mary No.....  
File No.....  
Date.....

Certified to be true Copy

Advocate

AUG-29-03 15:00 CMC HONGSHILONG SHILLONG

TEL: 03642521330

P:02

- 2 -

vi) The pay of the concerned persons may be fixed accordingly and necessary entries to this effect may also be made in the respective Service Book. While issuing pay fixation orders by the respective Heads of Office, a para may be added to the effect that the above fixation of pay in the upgraded scale is subject to review by Audit. Any Over-payments on account of pay fixation in the upgraded scale as pointed out by the Audit will be recovered from the concerned Government Servants in lump sum.

The officials who are eligible for 2nd financial upgradation directly will be entitled for fixation of their pay initially in the 1st upgradation scale and then in the 2nd upgradation scale.

*(C. P. Singh)*  
Superintending Engineer

Copy to :-

1. The Executive Engineer, NEID-I, II & III, CWC, Silchar, Aizawl & Itanagar. The copy of this office order may be passed on to the person concerned.

2. Office Order File.

*Office of the*

*Executive Engineer*

*North Eastern Inv. Division No. 1*

*Water Commission*

*Jalbukashpur, Silchar-4.*

No. NEID-I/Entt, 53/2003/

5513-18

Dated :- 05-9-03

Copy for Information :-

1. The Accounts Branch, Divn. office.
- ✓ 2. Sh. B.B. Gurung, O.D.I.D.
3. Sh. T.J. Roy, Electrician Gr.II
4. Sh. Jetha Gurung, Kholasi.
5. Sh. J.P. Singh, Kholasi.

Option for fixation of pay, if any, may please be submitted within 30 days.

6. Sh. Dikash Ranjan Dey, Son of late Bina Dey, C/o Shyamal Dey, Rangpuria Lane, Kothai Road, P.O.C.R. Avenue, Dull Dey, Silchar-12 Dist. Cachar, Assam.

*W.Lh*  
Asstt.  
North Eastern Inv. Divn. - 1  
CWC, Jalbukashpur  
Silchar

29-03 15:55 CMC NONGSHILING SHILLONG

TEL: 03642521338

P303

Annexure-I

Annexure of NEIC, CWC, Shillong Office Order No. NEIC/2003/ 2002-03 /  
3252-75 dated 29/8/2003.

Sl. No.	Name of the official	Effective date of Financial upgradation	Nature of Financial upgrad-ation	Upgraded scale of pay.
<b>W/C Worksarkar Gr-I</b>				
1.	B.L.P Gupta	09.08.1999	2 <sup>nd</sup>	4500-125-7000
<b>W/C Mason Gr-I</b>				
1.	Dikar Ram	09.08.1999	1 <sup>st</sup>	4000-100-6000
<b>W/C Carpenter Gr-II</b>				
1.	Parshuram Rai	01.10.2002	1 <sup>st</sup>	4000-100-6000
2.	Naresh Sharma	01.10.2002	1 <sup>st</sup>	4000-100-6000
<b>W/C Machine Operator Gr-II</b>				
1.	S. K. Chakraborty (Generator Operator)	09.08.1999	1 <sup>st</sup>	4000-100-6000
2.	Jugannath Kaul (Dozer Operator)	01.10.2002	1 <sup>st</sup>	4000-100-6000
3.	Krishan Barak (Dozer Operator)	01.12.2002	1 <sup>st</sup>	4000-100-6000
<b>W/C O.B.E. Driver Gr-II</b>				
1.	B. B. Gurung ✓	09.08.1999	2 <sup>nd</sup>	4000-100-6000
<b>W/C Mechanic Gr-II</b>				
1.	Radhey Shyam Singh	01.10.2002	1 <sup>st</sup>	4000-100-6000
<b>W/C Electrician Gr-II</b>				
1.	T. J. Roy	04.04.2001	1 <sup>st</sup>	4000-100-6000
<b>W/C Worksarkar Gr-III</b>				
1.	Tapan Chaudhury	01.10.2002	1 <sup>st</sup>	3050-75-3950-80-4590
2.	S. K. Chakraborty	01.10.2002	1 <sup>st</sup>	3050-75-3950-80-4590

Contd.....2/-

-2-

## Annexure-I

Annexure of NEIC, CWC, Shillong Office Order No. NEIC/2003/ 2002-03 /  
 dated 29/08/2003.

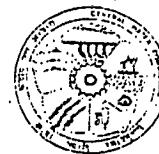
## W/ C Khalasi

1	Jettha Gurung	20.05.2002	2 <sup>nd</sup>	2750-70-3800-75-4400
2	Smt. Bina Dey	26.02.2002	2 <sup>nd</sup>	2750-70-3800-75-4400
3	Joy Prakash Singh	01.07.2002	2 <sup>nd</sup>	2750-70-3800-75-4400
4	Tara Chand Rana	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
5	Purna Patwari	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
6	Tyab Ali Chaudhury	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
7	D. K. Singh	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
8	Prem Bhr. Gurung	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
9	Chhabibi Lal Thapa	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
10	Lalhariana	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
11	Raldolien	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
12	Kisto Rajak	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
13	B.C. Nath	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
14	Nareshwar Das	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
15	Guru Hasda	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
16	Mangal Kisko	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
17	Mangal Hasda	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
18	Ashulaiik	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
19	A. H. Chaudhury	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
20	Brillian Kiro	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
21	Chauda Tudu	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
22	Akbar Ali	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
23	Stephen Tudu	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
24	Sailesh Kumar Das	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
25	Manglenba Singh	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
26	Barkha Marandi	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
27	Sripati Dehri	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
28	N. R. Das	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
29	Kamal Kumar Baishya	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
30	Govind Baski	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
31	Rabindra Kr. Singh	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
32	Budh Dev Kumar	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
33	Gauri Prasad Rai	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
34	Shanti Chhetri	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
35	Baidya Nath Rai	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
36	Jan Ahmed	01.10.2002	1 <sup>st</sup>	2650-65-3300-70-4000
37	N. C. Barman	09.08.1999 / 07.07.2002	1 <sup>st</sup> & 2 <sup>nd</sup>	i) 2650-65-3300-70-4000 ii) 2750-70-3800-75-4400
38	A. H. Barbluiya	09.03.2003	2 <sup>nd</sup>	2750-70-3800-75-4400

Per: D. C. Alexander

Tel. No.0364-2220706, 2220720  
Fax:0364-2506001

GOVERNMENT OF INDIA  
CENTRAL WATER COMMISSION  
NORTH EASTERN INV. CIRCLE  
SHILLONG



No. NEIC/2003/2004/1984-87

"Rebekka Ville", Near Barik Point,  
Temple Road, Lower Lachumiere, Shillong-01  
E-mail:seneic@sancharnet.in  
Dated 20/10/2006

OFFICE ORDER

In pursuance of DoPT OM No.35034/1/97-Estt(D) dated 09.08.1999 and CWC letter No.32022/2/99-E-XII dated 10.05.2000 and consequent upon acceptance of the recommendations of the Review Departmental Screening Committee for grant of Financial Up-gradation under ACP Scheme, sanction of the Competent Authority is hereby accorded to the grant of financial up-gradation to the Work Charged staff working under North Eastern Inv. Circle, CWC, Shillong whose names, effective dates and pay scales are shown against their name & in Annexure-I.

The grant of financial up-gradation to those officials is subject to the various provisions of the above mentioned OM of DoPT including the following :-

- 1) The above financial up-gradation merely envisages placement on personal basis in the higher pay scale and will not amount to actual/functional promotion.
- 2) The designation of the incumbent will not change due to the financial up-gradation under ACP Scheme.
- 3) The financial up-gradation shall not confer any privileges related to higher status.
- 4) Grant of higher pay scale under the ACP Scheme is conditional to the effect that the incumbent while accepting the said benefit shall be deemed to have given his unqualified acceptance for the vacancy based promotion to the higher pay scale which may occur subsequently and in case of refusal he shall be debarred from promotion as per the rules.
- 5) On up-gradation under ACP Scheme the beneficiary is entitled to have his/her pay fixed in the higher scale under F.R.22(1) a (i) which shall be final and no pay fixation benefit shall accrue at the time of regular promotion. They may exercise option for fixation of their pay within one month from the date of issue of this order.
- 6) The pay of the concerned persons may be fixed accordingly and necessary entries to this effect may also be made in the respective Service Books. While issuing pay fixation orders by the respective Heads of Office, a para may be added to the effect that the above fixation of pay in the upgraded scale is subject to review by Audit. Any Over-payments on account of pay fixation in the upgraded scale as pointed out by the Audit will be recovered from the concerned Government Servants in lump sum.

The officials who are eligible for 2<sup>nd</sup> financial up-gradation directly will be entitled for fixation of their pay initially in the 1<sup>st</sup> up-gradation scale and then in the 2<sup>nd</sup> up-gradation scale.

Copy to :-

1. The Executive Engineer, NEID-I, II & III, CWC, Silchar, Aizawl & Itanagar. A copy of this office order may be passed on to the persons concerned.
2. Office Order File.

(P. M. Scott)  
Superintending Engineer

ACP.doc

*Certified to be true Copy*  
*Advocate*

20

**List of Work Charged Staff recommended by the Review Departmental Screening Committee for grant of Financial upgradation under ACP's Scheme from the date & scale effect showing against each.**  
 (Read with Office Order No. NEIC/2003/2004/1984-87 dated 20/10/06).

Sl.No.	Name of the Official	Effective date of Financial upgradation	Nature of Financial upgradation	Upgraded scale of pay (Rs.)
1.	2.	3.	4.	5.
<b>Observer Gr.II</b>				
1	Sh. B. M. Choudhury	19.04.2005	1 <sup>st</sup>	4000-100-6000
2	Sh. Manihar Singh	19.04.2005	1 <sup>st</sup>	- do -
<b>Work Sarkar Gr.III</b>				
1	Sh. S. K. Dutta	18.03.2003	2 <sup>nd</sup>	3050-75-3950-80-4590
2	Sh. M. R. Lasker	23.06.2004	2 <sup>nd</sup>	- do -
3	Sh. K. K. Das	11.07.2004	2 <sup>nd</sup>	- do -
4	Smt. Manju Paul	01.11.2004	2 <sup>nd</sup>	- do -
5	Sh. K. R. Das	14.01.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
6	Sh. S. S. Tatua	09.08.1999	2 <sup>nd</sup>	- do -
7	Sh. C. J. Joseph	05.03.2003	2 <sup>nd</sup>	- do -
8	Sh. A. M. Mazumder	05.03.2003	2 <sup>nd</sup>	- do -
9	Sh. S. Tin Thang	09.08.1999	1 <sup>st</sup>	- do -
<b>Drill Helper</b>				
1	Sh. Labi Sasusow	11.05.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
2	Sh. Harka Bdr. Gurung	16.07.2003	2 <sup>nd</sup>	- do -
3	Sh. Chandan Chakraborty	05.03.2003	2 <sup>nd</sup>	3050-75-3950-80-4590
4	Sh. P. K. Nath	01.02.2005	2 <sup>nd</sup>	- do -
5	Sh. Bhim Bdr. Ghole	16.07.2003	2 <sup>nd</sup>	2750-70-3800-75-4400
6	Sh. Ram Bdr. Mongar	21.03.2003	2 <sup>nd</sup>	- do -
<b>Boat Man</b>				
1	Sh. Gopal Ch. Sutradhar	01.01.2004	1 <sup>st</sup>	2650-65-3300-70-4000
<b>Khalasi</b>				
1	Sh. V. Unnikrishnan	12.11.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
2	Sh. S. U. Laskar	11.07.2002	2 <sup>nd</sup>	- do -
3	Sh. U. D. Thakur	05.03.2003	2 <sup>nd</sup>	- do -
4	Sh. M. U. Barbhuiyia	16.03.2003	2 <sup>nd</sup>	- do -
5	Sh. Kajal Adhikary	09.01.2004	2 <sup>nd</sup>	- do -
6	Sh. Mantu Das	16.06.2004	2 <sup>nd</sup>	- do -
7	Sh. N. H. Barbhuiyia	17.06.2004	2 <sup>nd</sup>	- do -
8	Sh. Hemanta Kr. Singha	09.07.2004	2 <sup>nd</sup>	- do -
9	Sh. L. Konungjaou	06.06.2004	2 <sup>nd</sup>	3050-75-3950-80-4590
10	Sh. Zoram Thanga	01.07.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
11	Sh. H. R. Khama	05.03.2003	2 <sup>nd</sup>	- do -
12	Sh. A. H. Barbhuiyia	05.03.2003	2 <sup>nd</sup>	- do -
13	Sh. Man Bdr. Tamang	01.07.2004	2 <sup>nd</sup>	- do -
14	Sh. Rozaikung	01.07.2004	2 <sup>nd</sup>	- do -
15	Sh. Lalramhlun	01.07.2004	2 <sup>nd</sup>	- do -
16	Sh. K. P. Sahu	09.10.2004	2 <sup>nd</sup>	- do -

Contd....2-

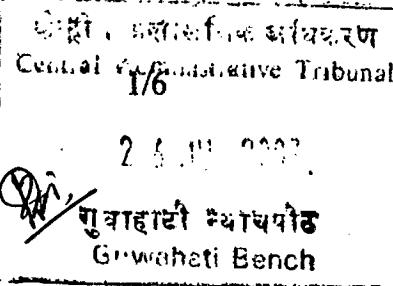
- 21 -

1.	2.	3.	4.	5.
17	Sh. Malik Ram	02.01.2003	2 <sup>nd</sup>	2750-70-3800-75-4400
18	Sh. M. M. Patel	11.02.2004	2 <sup>nd</sup>	- do -
19	Sh. R. R. Sahu	16.03.2004	2 <sup>nd</sup>	- do -
20	Sh. B. S. Yadav	10.03.2004	2 <sup>nd</sup>	3050-75-3950-80-4590
21	Sh. Hum Bahadur	03.01.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
22	Sh. Tek Bdr. Pradhan	30.10.2005	2 <sup>nd</sup>	- do -
23	Sh. Keshbi Thappa	30.10.2005	2 <sup>nd</sup>	- do -
24	Sh. Ram Singh Lama	30.10.2005	2 <sup>nd</sup>	- do -
25	Sh. R. B. Rai	30.10.2005	2 <sup>nd</sup>	- do -
26	Sh. P. Bdr. Sunar	30.10.2005	2 <sup>nd</sup>	- do -
27	Sh. H. C. L. Kadam	10.03.2004	2 <sup>nd</sup>	- do -
28	Sh. Nandan Malla	12.05.2005	1 <sup>st</sup>	2650-65-3300-70-4000
29	Smt. Ujjala Devi Mog	20.06.2003	1 <sup>st</sup>	- do -
30	Sh. Brajendra Debnath	19.12.2003	1 <sup>st</sup>	- do -
31	Sh. Dawa Sherpa	28.12.2003	1 <sup>st</sup>	- do -
32	Sh. D. K. Dutta	01.01.2004	1 <sup>st</sup>	- do -
33	Smt. Mitali Mazumder	01.01.2004	1 <sup>st</sup>	- do -
34	Sh. Rahamat Ali	01.01.2004	1 <sup>st</sup>	- do -
35	Sh. Jaggu Rabi Das	01.01.2004	1 <sup>st</sup>	- do -
36	Sh. B. L. K. Sharma	01.01.2004	1 <sup>st</sup>	- do -
37	Sh. Bindeswar Sahani	01.01.2004	1 <sup>st</sup>	- do -
38	Sh. Dilip Das	01.01.2004	1 <sup>st</sup>	- do -
39	Sh. Dijendra Ch. Das	01.01.2004	1 <sup>st</sup>	- do -
40	Sh. Bijay Kr. Bhardwaj	02.01.2004	1 <sup>st</sup>	- do -
41	Sh. K. B. Sonar	02.01.2004	1 <sup>st</sup>	- do -
42	Sh. Faizur Rahaman	03.01.2004	1 <sup>st</sup>	- do -
43	Sh. Indra Bdr. Pradhan	19.12.2003	1 <sup>st</sup>	- do -
44	Sh. Anil Kiskoo	19.12.2003	1 <sup>st</sup>	- do -
45	Sh. Tiwari Kumar	19.12.2003	1 <sup>st</sup>	- do -
46	Sh. Tara Bahadur	19.12.2003	1 <sup>st</sup>	- do -
47	Sh. Munshi Baski	19.12.2003	1 <sup>st</sup>	- do -
48	Sh. Bhugen Giri	19.12.2003	1 <sup>st</sup>	- do -
49	Sh. Debraj Murmu	19.12.2003	1 <sup>st</sup>	- do -
50	Sh. Prabhu Murmu	22.04.2004	1 <sup>st</sup>	- do -
51	Sh. Govind Murmu	22.04.2004	1 <sup>st</sup>	- do -
52	Sh. Kazira Rai	01.01.2004	1 <sup>st</sup>	- do -
53	Sh. K. K. Das	01.01.2004	1 <sup>st</sup>	- do -
54	Sh. S. K. Biswas	09.01.2004	1 <sup>st</sup>	- do -
55	Sh. Sunil Kr. Das	06.01.2004	1 <sup>st</sup>	- do -
56	Sh. Tilak Bdr. Chettri	12.05.2005	1 <sup>st</sup>	- do -
57	Sh. Anjan Karmakar	07.02.2004	1 <sup>st</sup>	- do -
58	Sh. Dilip Das	06.04.2005	1 <sup>st</sup>	- do -
59	Sh. Sadar Ali Ahmed	11.05.2005	1 <sup>st</sup>	- do -
60	Sh. Khagen Roy	11.05.2005	1 <sup>st</sup>	- do -

Contd....3/-

1.	2.	3.	4.	5.
61	Sh. Jyotirmoy Chakraborty	03.01.2004	1 <sup>st</sup>	2650-65-3300-70-4000
62	Sh. Gopal Roy	12.05.2005	1 <sup>st</sup>	- do -
63	Sh. Ram Pravesh Choudhury	19.04.2005	1 <sup>st</sup>	- do -
64	Sh. Kaku Kumar	19.12.2003	1 <sup>st</sup>	- do -
65	Sh. R. K. Barman	09.01.2004	1 <sup>st</sup>	- do -
66	Smt. Sudipta Singh	01.11.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
67	Sh. Narbu Tsering	30.10.2005	2 <sup>nd</sup>	-do-
68	Sh. Bijoy Kr. Singha	11.03.2005	2 <sup>nd</sup>	- do -
69	Smt. Jayaboti Roy Choudhury,	14.05.2005	1 <sup>st</sup>	2650-65-3300-70-4000
70	Sh. Ramapada Maity	31.05.2005	1 <sup>st</sup>	- do -

11/10/2006  
(P. M. Scott)  
Superintending Engineer



Filed by  
the respondents  
Monisha Banik/Min. No. 32  
S. C. 650  
26.7.07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI

O.A. No.06 of 2007

Shri R. Balan

....Applicant

-VS-

Union of India & Ors.

....Respondents

The written statements on behalf of the  
Respondents above named:

WRITTEN STATEMENT FILED ON BEHALF OF THE RESPONDENTS NO 1 to 5

MOST RESPECTFULLY SHEWETH:

1. That with regards to the statement made in the paragraph 1 of the instant application the respondents have no comment.
2. That with regards to the statement made in paragraphs 2 and 3 of the instant application the respondents have no comment.
3. That with regards to the statement made in the paragraph 4.1 of the instant application the respondents have no comment.
4. That with regards to the statement made in paragraph 4.2 to 4.6 in the instant application the Respondents begs to state that these are matter of records and the Respondents do not admit anything which is not borne out of records.
5. That with regards to the statements made in paragraphs 4.7 in the instant application, the Respondents begs to state that there is no illegality on the part of the

Contd- P/

respondents and the applicant worked in the said posts as per the vacancy in the cadre and recruitment Rules.

6. That with regards to the statement made in the paragraph 4.8 of the instant application, the respondent begs to state that it is mentioned that as per OM of DOPT dated 9/8/1999 the granting benefit under ACP Scheme has nothing to do with the seniority and in case of disciplinary/penalty proceeding rules governing normal promotion shall be followed respectively.

A copy of the Office Memorandum dated 9-8-1999 is annexed herewith and marked as **ANNEXURE - A**

7. That with regards to the statement made in the paragraph 4.9 of the instant application, the Respondents begs to state that these are matters of records and the Respondents do not admit anything which are not borne out of records.

8. That with regards to the statement made in the paragraphs 4.10 to 4.12 of the instant application the respondent begs to state that it is mentioned that the Review Departmental Screening Committee (RDSC) set up in the year 2005-2006 considered the eligibility of all the employees based on the check list furnished by the respective disciplinary authority/head of office in respect of each individual employee. While reviewing the checklist, it was found that Vigilance Clearance from the disciplinary authority in respect of Shri R. Balan alongwith other five employees currently working in the office of Respondent No.5 was not furnished on the ground of his alleged involvement in the Bogus Money Order Scam. Thus the names of all the six employees alongwith the applicant was excluded from the order granting benefit of ACP. The brief background of the bogus money order scam and involvement of the applicant is as under.

A fake Money Order Scam from Teok (Jorhat) involving CWC officials alongwith others was detected way back in January 1999 by postal department and intimated to the

Contd- P/

Respondent No.5. After a series of correspondences and preliminary investigations, Superintendent of Post Office, Sivsagar, Division, Jorhat furnished an interim list of 14 involved officials of CWC to the Respondent No.5 vide his letter No.F4-12/98-99 dated 15-7-99. The name of the applicant is part of the list proving his active involvement in the scam it was requested in the above letter that the amount shown against each name be recovered with the active and prompt effort by the Respondent No.5 Sh R. Balan deposited Rs.2,46,000/- to the post office as intimated by himself vide his letter dated 4-11-1999 which clearly proves acceptance of his involvement in the scam. This is gross misconduct on part of a Govt. Servant liable for disciplinary action. Since the investigation done initially by Postal Department and later on by Police Department, the disciplinary action could not be initiated due to want of final report. CWC has been in active persuasion with the postal as well as police department for the final report of the investigation for final conviction of erring officials or drop the names of innocent officials from the list of suspected officials. Extra ordinary delay in investigation has been the concern of CWC. It is in this context the Respondent No.5 expressed his deep concern to the Superintendent of Post, Jorhat, Assam emphasizing for handing over the case to CBI for speedy investigation (**ANNEXURE – C**). Visualizing the gravity of the case, CWC HQ decided that the case is monitored at Chief Engineer level. The final outcome of the case is still awaited despite regular persuasion with the Deptt. of Post.

Pending final outcome of the case, vigilance clearance could not be issued in respect any of the proven officials like Shri R.Balan resulting in his name not figuring in the list sanctioned for grant of financial upgradation under ACP scheme vide office order No.NEIC/2003/2002-03/3272-75.

Copies of letter dated 15-7-1999, 15-7-1999, letter dated 4-11-1999 and ACP Scheme vide Office Order No.NEIC/2003/2002-3/3272-75 annexed herewith and marked as **ANNEXURE –B, C, D and E** respectively.

9. That with regards to the statement made in the paragraphs 4.13 of the instant application, the Respondents beg to state that the involvement of the applicant in scam well before his entitlement for 1<sup>st</sup> financial up-gradation w.e.f. 13-1-2004 as explained above in detail declared him not eligible for the above benefit till he is declared not guilty by the investigation agency. However, if found guilty, suitable disciplinary action shall be initiated against the employees. Thus Shri R. Balan does not qualify for issue of Vigilance Clearance till the investigation of the Bogus M.O. scam is received from the investigating agency.

10. That with regards to the statement made in paragraph 4.14 of the instant application, the Respondents already explained above noted paragraph 4.10 to 4.12 of the instant written statement, that his name was forwarded to the Review Departmental Screening Committee, without vigilance clearance due to the valid reasons explained above. His involvement was detected in 1999 well before his completing 24 years of service, His acceptance by depositing Rs. 2,46,000 to the post office is considered that the Departmental (Post Office) investigation was known to him. Thus his claim that he did not know about his misconduct in violation of CCS Rules being investigated by other department under intimation to CWC is not correct at all.

11. That with regards to the statement made in the paragraphs 4.15 of the instant application, the Respondents beg to state that the preliminary investigation has clearly proved his involvement in the money order scam. Acceptance of his involvement was further confirmed when he deposited the money to the post office. Thus he does not qualify for issuance of vigilance clearance without which consideration by Review DSC does not arise.

12. That with regards to the statement made in the paragraphs 4.16 and 4.17 of the instant application, the Respondents beg to state that the exclusion of name is on valid and genuine reason and cannot be declared as illegal, arbitrary and discriminatory.

13. That with regards to the statement made in the paragraph 4.18 of the instant application, the respondents beg to state that all the suspected employees have been treated uniformly on the same criteria which show there is no deliberate exclusion name only.

14. That with regards to the statement made in the paragraph 4.19 of the instant application the respondents have no comment.

15. That with regards to the statement made in the paragraphs 5 of the instant application, the Respondents be to state that his deep rooted involvement with grossly illegal activity specially siphoning Govt. money in his full sense hardly qualifies him to be considered for the financial benefit under ACP. The action of department by excluding his name alongwith all suspected is justified. Therefore it is prayed that his request may be not entertained by the court. However, it is assured that on completion of the investigation finding him free from all charges, he shall be given due benefit in accordance with the provisions of the DOPT OM.

The Respondents further beg to state that the grounds setforth in the instant application are not good grounds and also not tenable in the eye of law and as such, the instant application is liable to be dismissed.

16. That with regards to the statement made in the paragraphs 6, 7 and 8 of the instant application, the answering Respondents have no comments.

17. That with regards to the statement made in paragraph 9 of the instant application the respondents beg to state that the claim of the applicant is illegal and ill founded and the applicant is not entitled to get any interim relief.

18. That the respondents submit that the application has no merit and as such the same are liable to be dismissed.

## VERIFICATION

I, V. D. Roy, son of Sh. Kailash Roy at present working as Executive Engineer, North Eastern Investigation Division-I, Central Water Commission, Jalbikaspur, Rongpur-I, Silchar-9 (ASSAM) being authorized to hereby verify and declare that the statement made in para 1 to 18 are true in my knowledge and in para \_\_\_\_\_ being matter of records are true to my information and believe and I have not suppressed any material fact.

And I sign this verification on this 29<sup>th</sup> day of June, 2007.



DEPONENT

Contd- P/

MOST IMMEDIATE

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

*True copy  
N.C. Das  
Associate*

to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) 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.

3.2 'Regular Service' for the purpose of the ACP Scheme shall be interpreted to mean the 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.

7. Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise 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/clarification 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.

(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**

#### ANNEXURE-I

#### **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;

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. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(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 First 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.	<b>S-1</b> 2550-55-2660-60-3200
2.	<b>S-2</b> 2610-60-3150-65-3540
3.	<b>S-3</b> 2650-65-3300-70-4000
4.	<b>S-4</b> 2750-70-3800-75-4400
5.	<b>S-5</b> 3050-75-3950-80-4590
6.	<b>S-6</b> 3200-85-4900
7.	<b>S-7</b> 4000-100-6000
8.	<b>S-8</b> 4500-125-7000
9.	<b>S-9</b> 5000-150-8000
10.	<b>S-10</b> 5500-175-9000
11.	<b>S-12</b> 6500-200-10500
12.	<b>S-13</b> 7450-225-11500
13.	<b>S-14</b> 7500-250-12000
14.	<b>S-15</b> 8000-275-13500
15.	<b>S-19</b> 10000-325-15200
16.	<b>S-21</b> 12000-375-16500
17.	<b>S-23</b> 12000-375-18000
18.	<b>S-24</b> 14300-400-18300

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

New Delhi 110001  
February 10, 2000

OFFICE MEMORANDUM

15

Annex- B

Confidential  
Regd. Post.

To,

Sri A.J. Thomas,  
Executive Engineer  
Central Water Commission  
N.E.(INV) Dvn.I  
Rongpur Part I, Silchar - 783009 .

No.- F4-12/98-99

Dated at Jorhat the 15-7-99 .

Sub.- Suspected involvement of CWC officials in payment of huge amount of bogus money orders despatched from Teok S.O. to different post office in India .

Ref.- Your confidential letter no NEID-1/Conf-1/99/30-34 dt. 16-4-99 .

Sir,

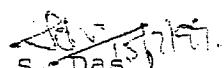
Thank you very much for your assured co-operation in this case and I hope, with your extended ~~help~~ help the entire gang of culprits can be nabbed and the Departmental loss can be re-couped within a short time .

I am furnishing herewith an ANEXURE -A showing details of involvement of 14(Fourteen) officials of your Department so far revealed during investigation. The amounts involved, so far, also shown against each official. As the investigation is going on, there is every possibility of increase of the involvement for each official. It is also apprehended that some more officials may be involved in this case, which will be intimated to your office in due course .

Out of the 14(Fourteen) officials involved, Sh R. Balan, Sh. Rambahadur Rai, M. Shahabudin and Sri B.B.Girung, have voluntarily credited some amounts, which is a good sign of your co-operation . The rest are yet to response. All documentary evidence are available in this office, in support of their involvement .

I would therefore request you kindly to take up this case personally and arrange recovery of the amounts shown against them by your personal efforts, so that the huge amount of Deptl loss can be ~~recovered~~ recovered, waiting for your helping hand in this respect, and expecting a line of early reply .

Yours faithfully,

  
( S. Das )  
Supdt. of Post Offices  
Sibsagar Division Jorhat.

Copy to -

1. Sh M. Peethambarajan, Asstt. Engr, N.E. Inv Sub-Dvn-V, Geographica House, ~~R~~ Pohkseh, Shillong-14 for information and necessary action.

2. Sh Bashist Roy, Asstt. Engr, o/o the C.E.B & BB CWC, Maranthe, Poksheh, Rynjah, Shillong-6 for information and necessary action.

3. The Director of Postal Services, Assam Region, Guwahati-1 for favour of information and necessary action .

4. The Sr Supdt/Supdt of POS, Silchar/Shillong/Nowgong/Tezpur/ Dibrugarh/Nalbari/Dhaimanagar for information and to intimate the progress of recovery and result of further inquiry immediately.

5. The Director of Postal Services, Agartala and Itanagar for favour of information and to intimate the result of inquiry early.

6. The Chief Postmaster General (INV), Assam Circle, Guwahati-1 for favour of information and necessary action .

7. O/C

*True copy  
N.C.G.  
Anupat  
Supdt. of Post Offices*

✓  
22/7/99

No. of issue	issue	Amount	Payee Name	Date of issue	Office or Pmt.	Pmt.
159.	Teok 6275	Rs. 3000/-	Sri Biju Nath c/o Birendra Nath Navapally, P.O.-Rangpur	10-11-98	Rangpur	
160.	" 6276	Rs. 3000/-	-do-	"	"	
161.	" 5344	Rs. 2000/-	Smt Juri Saikia c/o Bipul Saikia Silchar P.S.	28-8-97	Silchar HO	
162.	" 5345	Rs. 2000/-	-do-	"	"	
163.	" 5346	Rs. 2000/-	-do-	"	"	
	Total	357000/-				
		+ 18000/-				
		G.Total =	375000/-			

2. Sri R. Balan  
W/S Gr.-III  
CWC, NEID-III, Manughat, North Tripura.

1.	Teok 0536	11-2-98	Rs. 2000/-	Sivadasan R. Bhagath Stores, Chingoli.	16-2-98	Chingoli
2.	" 0537	"	Rs. 2000/-	-do-	"	"
3.	" 0538	"	Rs. 2000/-	-do-	"	"
4.	" 0539	"	Rs. 2000/-	-do-	"	"
5.	" 0540	"	Rs. 2000/-	-do-	"	"
6.	" 6221	18-6-98	Rs. 2000/-	-do-	22-6-98	"
7.	" 6222	"	Rs. 2000/-	-do-	"	"
8.	" 6223	"	Rs. 2000/-	-do-	"	"
9.	" 6224	"	Rs. 2000/-	-do-	"	"
10.	" 6225	"	Rs. 2000/-	-do-	24-8-98	"
11.	" 6228	19-8-98	Rs. 2000/-	-do-	"	"
12.	" 6229	"	Rs. 2000/-	-do-	"	"
13.	" 6230	"	Rs. 2000/-	-do-	6-11-98	"
14.	" 6243	2-11-98	Rs. 5000/-	-do-	"	"
15.	" 6244	"	Rs. 2000/-	-do-	9-11-98	"
16.	" 6249	3-11-98	Rs. 5000/-	-do-	"	"
17.	" 6250	"	Rs. 5000/-	-do-	16-2-98	N. Kulangara
18.	" 62541	11-2-98	Rs. 2000/-	A. Padmasree MPKY Agent, Nangiar Kulangara		
19.	" 0542	"	Rs. 2000/-	-do-	"	"
20.	" 0543	"	Rs. 2000/-	-do-	"	"
21.	" 0544	"	Rs. 2000/-	-do-	"	"
22.	" 0545	"	Rs. 2000/-	-do-	"	"
23.	" 0546	"	Rs. 2000/-	-do-	10-8-98	"
24.	" 3511	5-8-98	Rs. 2000/-	-do-	"	"
25.	" 3512	"	Rs. 2000/-	-do-	"	"
26.	" 3513	"	Rs. 2000/-	-do-	"	"
27.	" 3514	"	Rs. 2000/-	-do-	"	"
28.	" 3515	"	Rs. 2000/-	-do-	24-8-98	"
29.	" 6233	19-8-98	Rs. 2000/-	-do-	"	"
30.	" 6234	"	Rs. 2000/-	-do-	"	"
31.	" 6235	"	Rs. 2000/-	-do-	"	"
32.	" 6236	"	Rs. 2000/-	-do-	"	"
33.	" 6237	"	Rs. 2000/-	-do-	5-11-98	"
34.	" 6291	31-10-98	Rs. 5000/-	-do-	"	"
35.	" 6294	"	Rs. 5000/-	-do-	6-11-98	"
36.	" 6237	2-11-98	Rs. 5000/-	-do-	"	"
37.	" 6238	"	Rs. 5000/-	-do-		

Rs. 98000/-

... 7/-

	(2)	(3)	(4)	(5)	(6)	(7)	(8)
39.	Teok	6351	7-10-97	BF- Rs. 76000 Rs. 2000/-	Ajit Hazarika Dist. Library Nowgong .	16-10-97	Nowgong HO
40.	"	6352	"	Rs. 2000/-	-do-	"	"
41.	"	6353	"	Rs. 2000/-	-do-	"	"
42.	"	6328	16-12-97	Rs. 2000/-	-do-	10-1-98	"
43.	"	6329	"	Rs. 2000/-	-do-	"	"
44.	"	6330	"	Rs. 2000/-	-do-	2-6-98	"
45.	"	6332	26-5-98	Rs. 2000/-	-do-	"	"
46.	"	6333	"	Rs. 2000/-	-do-	"	"
47.	"	6334	"	Rs. 2000/-	-do-	"	"
48.	"	6335	"	Rs. 2000/-	-do-	"	"
49.	"	6336	"	Rs. 2000/-	-do-	29-7-98	"
50.	"	6547	21-7-98	Rs. 2000/-	-do-	"	"
51.	"	6548	"	Rs. 2000/-	-do-	10-11-98	"
52.	"	6262	6-11-98	Rs. 5000/-	-do-	"	"
53.	"	6263	"	Rs. 5000/-	-do-		
54.	"	6363	7-10-97	Rs. 2000/-	Smt Renu Baruah 18-10-97 c/o Haren Bordoloi B.O. ARB Rd, Hoibargaon.		
55.	"	6364	"	Rs. 2000/-	-do-	23-12-97	"
56.	"	6333	16-12-97	Rs. 2000/-	-do-	"	"
57.	"	6334	"	Rs. 2000/-	-do-	"	"
58.	"	6335	"	Rs. 2000/-	-do-	3-8-98	"
59.	"	6549	21-7-98	Rs. 2000/-	-do-	"	"
60.	"	6550	"	Rs. 2000/-	-do-	"	"
61.	"	6551	"	Rs. 2000/-	-do-	"	"
62.	"	6552	"	Rs. 2000/-	-do-		
63.	"	6365	7-10-97	Rs. 2000/-	Sri Girish Gayan 18-10-97 o/o PWD (Mech) WKB Nowgong.		
64.	"	6366	"	Rs. 2000/-	-do-	6-11-98	"
65.	"	6252	26-10-98	Rs. 2000/-	-do-	"	"
66.	"	6253	"	Rs. 2000/-	-do-	"	"
67.	"	6254	"	Rs. 2000/-	-do-	"	"
68.	"	6255	"	Rs. 2000/-	-do-	"	"
69.	"	6256	"	Rs. 2000/-	-do-	27-1-98	"
70.	"	6544	21-1-98	Rs. 2000/-	-do-	"	"
71.	"	6545	"	Rs. 2000/-	-do-	"	"
72.	"	6546	"	Rs. 2000/-	-do-	11-8-97	"
73.	"	6340	3-8-97	Rs. 2000/-	-do-	"	"
74.	"	6341	"	Rs. 2000/-	-do-	"	"
75.	"	6342	"	Rs. 2000/-	Sri Narayan Ch Bhayan 19-8-98 FCI, Dist Office		
76.	"	6542	21-7-98	Rs. 2000/-	Haibar- gaon SO		
77.	"	6543	"	Rs. 2000/-	-do-	"	"
78.	"	6544	"	Rs. 2000/-	-do-	"	"
79.	"	6545	"	Rs. 2000/-	-do-	"	"
80.	"	6546	"	Rs. 2000/-	Sri Molin Ch Bora 27-1-98	Nowgong HO	
81.	"	6541	21-1-98	Rs. 2000/-	"	"	
82.	"	6542	"	Rs. 2000/-	-de-	"	"
83.	"	6543	"	Rs. 2000/-	-do-		
				Total Rs. 172000/-			

The above Bogus money orders were sent by Sri Nil Kanta Baruah, and collected along with his wife from Mrs Beauty Kakati who was engaged as collecting agent at Nowgong. Mrs Beauty Kakati w/o Sri Sarulara Kakati, collected the money from different payees mentioned herein above and stated to have been paid to Sri Nil Kanta Baruah and his wife .

(165)

To:

Shri: A. J. Thomas,  
Executive Engineer,  
NEID-J/CWC/Silchar-09  
Assam. 788009.

Sub: Settlement of money order reg:

Ref: Tr. L. No. NEID-J/Cont. I/ v/99/33-35 dt 31/7/99.

R/S/

With reference to the above cited letter, this is to  
inform that an amount of Rs. 2,46000.00 (Rupees Two  
Lakh Forty six thousand only). I have been settled as  
follow with the various post office in Kerala state towards  
the receipt of money order issued from TECK SUT post office  
Assam.

No:

	Booking	Receipt No	Amount
REG-67	3359	10/11/24, 33, 51	56,000
REG-67	3367	23, 28, 30, 31, 33, 34,	52,000
REG-67	8166	75, 76, 78, 80, 81, 82, 83, 84	72,000
REG-67	84408	26, 27	10,500
( Details are to be received from my home)			1,93,500.00
			55,500.00
			2,46000.00

It is also informed that the original/photocopy of the receipt towards the remittance will be produced if required.

Seal  
of  
Post

Copy No. 05  
dt. 12-01-2000

True & fully

C. BALAJI R. 1(1)99.  
W/S-II  
(BALAJI R.)

True Copy  
W.C.Das  
Post Office

-19-

GOVT. OF INDIA.  
CENTRAL WATER COMMISSION  
NORTH EASTERN PWR. SUBDIVN: NWZ  
SHILLONG-6, MEGHALAYA.

CONFIDENTIAL

No: NE 150-5/Conf-1/22/44

Dated: 01.01.25

Forwarded in original to Mr. Greenhine Engg  
North Eastern Pwr. Divn: NWZ, CWL, Kohima Part-2,  
Silchar (Assam) for favour of kind information on  
further necessary action please.

*Mr. Greenhine  
Engg*  
(K. M. Hanger)  
Assistant Engineer

ENCL

Annex - D

56  
Confidential  
By Registered Post

-20-

NEIC, Shillong  
Executive Engineer  
TELEPHONE : 03866-222617  
TELEFAX : 03866-222617

NEIC, Shillong, Assam  
CENTRAL POSTAL COMMISSION  
MINISTRY OF POST & TELEGRAPH  
GOVERNMENT OF INDIA, NEW DELHI  
POLICE BUREAU, NEW DELHI, ASSAM

D.O.No. NEID-I/ Conf-1/2003/ 161-166

Dated: 18.06.03

Dear Shri Marak,

As you know that only "preponderance of probability" indicating any misconduct is good and sufficient reason to initiate departmental proceedings and to impose penalty consequentially; unlike as "beyond reasonable doubt" required in court of law to convict an accused.

But as a matter of rule departmental proceedings should not precede prosecution and if at all to be initiated requires mandatory nod from police authorities. In other words departmental action can effect either on completion of police inquiries with their consent of course or after the culmination of the process of prosecution in court of law.

Unfortunately 5 to 6 years have gone by now, so far the investigating agency i.e. police have not made even an inch of progress and that of late now your department has decided to hand over the case to C.B.I.; I am not sanguine that the case would meet to justice even in forth coming decade. Had the case been straight away given to C.B.I. right at the time of its busting the situation would have been altogether different by now.

Any way so far my officials are concerned I being the disciplinary authority for most of the CWC officials involved in the scam; at least need an enquiry report of investigating agency whether police or C.B.I. with its consent to initiate the departmental proceedings.

Untill that I myself feel handcuffed to initiate any action against my accused officials.

With regards

Yours Faithfully

(K)

[ K. K. Jangid ]

(K. Jangid)

To

Mr.B.K.Marak,  
Superintendent of Posts,  
Jorhat, Assam.

Copy to:

1. The Superintending Engineer, NEIC, CWC, Shillong ] in continuation to this office
2. The Secretary & Vigilance Officer, CWC, New Delhi. ] letter No.NEID-I/Conf-1/
3. The Superintending Engineer (C) C&SR, Coimbatore.] 2003/133-138 dt.29-5-03.
4. The Executive Engineer, NEID-II, CWC, Aizawl ]
5. The Chief Post Master General, Assam Circle, Guwahati. He is requested to take up the matter at the appropriate level so that the case is taken up by the CBI at the earliest.

True Copy  
A.C. Das  
Advocate

21 -

Tel. No.0364-2220706, 2220720  
Fax:0364-2506001

GOVERNMENT OF INDIA  
CENTRAL WATER COMMISSION  
NORTH EASTERN INV. CIRCLE  
SHILLONG



No. NEIC/2003/2004/ 1984 - 87

"Rebeka Ville", Near Bari Point,  
Temple Road, Lower Lachumiere, Shillong-01  
E-mail:senecic@sancharnet.in  
Dated 26/10/2006

OFFICE ORDER

In pursuance of DoPT OM No.35034/1/97-Estt(D) dated 09.08.1999 and CWC letter No.32022/2/99-E-XII dated 10.05.2000 and consequent upon acceptance of the recommendations of the Review Departmental Screening Committee for grant of Financial Up-gradation under ACP Scheme, sanction of the Competent Authority is hereby accorded to the grant of financial up-gradation to the Work Charged staff working under North Eastern Inv. Circle, CWC, Shillong whose names, effective dates and pay scales are shown against their name & in Annexure-I.

The grant of financial up-gradation to those officials is subject to the various provisions of the above mentioned OM of DoPT including the following :-

- 1) The above financial up-gradation merely envisages placement on personal basis in the higher pay scale and will not amount to actual/functional promotion.
- 2) The designation of the incumbent will not change due to the financial up-gradation under ACP Scheme.
- 3) The financial up-gradation shall not confer any privileges related to higher status.
- 4) Grant of higher pay scale under the ACP Scheme is conditional to the effect that the incumbent while accepting the said benefit shall be deemed to have given his unqualified acceptance for the vacancy based promotion to the higher pay scale which may occur subsequently and in case of refusal he shall be debarred from promotion as per the rules.
- 5) On up-gradation under ACP Scheme the beneficiary is entitled to have his/her pay fixed in the higher scale under F.R.22(1) a (i) which shall be final and no pay fixation benefit shall accrue at the time of regular promotion. They may exercise option for fixation of their pay within one month from the date of issue of this order.
- 6) The pay of the concerned persons may be fixed accordingly and necessary entries to this effect may also be made in the respective Service Books. While issuing pay fixation orders by the respective Heads of Office, a para may be added to the effect that the above fixation of pay in the upgraded scale is subject to review by Audit. Any Over-payments on account of pay fixation in the upgraded scale as pointed out by the Audit will be recovered from the concerned Government Servants in lump sum.

The officials who are eligible for 2<sup>nd</sup> financial up-gradation directly will be entitled for fixation of their pay initially in the 1<sup>st</sup> up-gradation scale and then in the 2<sup>nd</sup> up-gradation scale.

Copy to :-

1. The Executive Engineer, NEID-I, II & III, CWC, Silchar, Aizawl & Itanagar. A copy of this office order may be passed on to the persons concerned.
2. Office Order File.

(P. M. Scott)

Superintending Engineer

True Copy  
N. C. Das  
Advocate

List of Work Charged Staff recommended by the Review Departmental Screening Committee for grant of Financial upgradation under ACP Scheme from the date & scale effect showing against each.  
 (Read with Office Order No. NEIC/2003/2004/1984-87 dated 20/10/06).

Sl.No.	Name of the Official	Effective date of Financial upgradation	Nature of Financial upgradation	Upgraded scale of pay (Rs.)
1.	2.	3.	4.	5.
<b>Observer Gr.II</b>				
1	Sh. B. M. Choudhury	19.04.2005	1 <sup>st</sup>	4000-100-6000
2	Sh. Manihar Singh	19.04.2005	1 <sup>st</sup>	- do -
<b>Work Sarkar Gr.III</b>				
1	Sh. S. K. Dutta	18.03.2003	2 <sup>nd</sup>	3050-75-3950-80-4590
2	Sh. M. R. Lasker	23.06.2004	2 <sup>nd</sup>	- do -
3	Sh. K. K. Das	11.07.2004	2 <sup>nd</sup>	- do -
4	Smt. Manju Paul	01.11.2004	2 <sup>nd</sup>	- do -
5	Sh. K. R. Das	14.01.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
6	Sh. S. S. Tatua	09.08.1999	2 <sup>nd</sup>	- do -
7	Sh. C. J. Joseph.	05.03.2003	2 <sup>nd</sup>	- do -
8	Sh. A. M. Mazumder	05.03.2003	2 <sup>nd</sup>	- do -
9	Sh. S. Tin Thang	09.08.1999	1 <sup>st</sup>	- do -
<b>Drill Helper</b>				
1	Sh. Labi Sasusow	11.05.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
2	Sh. Harka Bdr. Gurung	16.07.2003	2 <sup>nd</sup>	- do -
3	Sh. Chandan Chakraborty	05.03.2003	2 <sup>nd</sup>	3050-75-3950-80-4590
4	Sh. P. K. Nath	01.02.2005	2 <sup>nd</sup>	- do -
5	Sh. Bhim Bdr. Ghole	16.07.2003	2 <sup>nd</sup>	2750-70-3800-75-4400
6	Sh. Ram Bdr. Mongar	21.03.2003	2 <sup>nd</sup>	- do -
<b>Boat Man</b>				
1	Sh. Gopal Ch. Sutradhar	01.01.2004	1 <sup>st</sup>	2650-65-3300-70-4000
<b>Khatasi</b>				
1	Sh. V. Unnikrishnan	12.11.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
2	Sh. S. U. Laskar	11.07.2002	2 <sup>nd</sup>	- do -
3	Sh. U. D. Thakur	05.03.2003	2 <sup>nd</sup>	- do -
4	Sh. M. U. Barbhuiyia	16.03.2003	2 <sup>nd</sup>	- do -
5	Sh. Kajal Adhikary	09.01.2004	2 <sup>nd</sup>	- do -
6	Sh. Mantu Das	16.06.2004	2 <sup>nd</sup>	- do -
7	Sh. H. H. Barbhuiyia	17.06.2004	2 <sup>nd</sup>	- do -
8	Sh. Hemanta Kr. Singha	09.07.2004	2 <sup>nd</sup>	- do -
9	Sh. L. Konungjaou	06.06.2004	2 <sup>nd</sup>	3050-75-3950-80-4590
10	Sh. Zoram Thanga	01.07.2004	2 <sup>nd</sup>	2750-70-3800-75-4400
11	Sh. H. R. Khama	05.03.2003	2 <sup>nd</sup>	- do -
12	Sh. A. H. Barbhuiyia	05.03.2003	2 <sup>nd</sup>	- do -
13	Sh. Man Bdr. Tamang	01.07.2004	2 <sup>nd</sup>	- do -
14	Sh. Rozaikung	01.07.2004	2 <sup>nd</sup>	- do -
15	Sh. Lalramhlun	01.07.2004	2 <sup>nd</sup>	- do -
16	Sh. K. P. Sahu	09.10.2004	2 <sup>nd</sup>	- do -

Contd....2/-

1.	2.	3.	4.	5.
17	Sh. Malik Ram	02.01.2003	2nd	2750-70-3800-75-4400
18	Sh. M. M. Patel	11.02.2004	2nd	- do -
19	Sh. R. R. Sahu	16.03.2004	2nd	- do -
20	Sh. B. S. Yadav	10.03.2004	2nd	3050-75-3950-80-4590
21	Sh. Hum Bahadur	03.01.2004	2nd	2750-70-3800-75-4400
22	Sh. Tek Bdr. Pradhan	30.10.2005	2nd	- do -
23	Sh. Keshbi Thappa	30.10.2005	2nd	- do -
24	Sh. Ram Singh Lama	30.10.2005	2nd	- do -
25	Sh. R. B. Rai	30.10.2005	2nd	- do -
26	Sh. P. Bdr. Sunar	30.10.2005	2nd	- do -
27	Sh. H. C. L. Kadam	10.03.2004	2nd	- do -
28	Sh. Nandan Malla	12.05.2005	1st	2650-65-3300-70-4000
29	Smt. Ujjala Devi Mog	20.06.2003	1st	- do -
30	Sh. Brajendra Debnath	19.12.2003	1st	- do -
31	Sh. Dawa Sherpa	28.12.2003	1st	- do -
32	Sh. D. K. Dutta	01.01.2004	1st	- do -
33	Smt. Mitali Mazumder	01.01.2004	1st	- do -
34	Sh. Rahamat Ali	01.01.2004	1st	- do -
35	Sh. Jaggu Rabi Das	01.01.2004	1st	- do -
36	Sh. B. L. K. Sharma	01.01.2004	1st	- do -
37	Sh. Bindeswar Sahani	01.01.2004	1st	- do -
38	Sh. Dilip Das	01.01.2004	1st	- do -
39	Sh. Dijendra Ch. Das	01.01.2004	1st	- do -
40	Sh. Bijay Kr. Bhardwaj	02.01.2004	1st	- do -
41	Sh. K. B. Sonar	02.01.2004	1st	- do -
42	Sh. Faizur Rahaman	03.01.2004	1st	- do -
43	Sh. Indra Bdr. Pradhan	19.12.2003	1st	- do -
44	Sh. Anil Kiskoo	19.12.2003	1st	- do -
45	Sh. Tiwari Kumar	19.12.2003	1st	- do -
46	Sh. Tara Bahadur	19.12.2003	1st	- do -
47	Sh. Munshi Baski	19.12.2003	1st	- do -
48	Sh. Bhugen Giri	19.12.2003	1st	- do -
49	Sh. Debraj Murmu	19.12.2003	1st	- do -
50	Sh. Prabhu Murmu	22.04.2004	1st	- do -
51	Sh. Govind Murmu	22.04.2004	1st	- do -
52	Sh. Kavira Pai	01.01.2004	1st	- do -
53	Sh. K. K. Das	01.01.2004	1st	- do -
54	Sh. S. K. Biswas	09.01.2004	1st	- do -
55	Sh. Sunil Kr. Das	06.01.2004	1st	- do -
56	Sh. Tilak Bdr. Chettri	12.05.2005	1st	- do -
57	Sh. Anjan Karmakar	07.02.2004	1st	- do -
58	Sh. Dijip Das	06.04.2005	1st	- do -
59	Sh. Sadar Ali Ahmed	11.05.2005	1st	- do -
60	Sh. Khagen Roy	11.05.2005	1st	- do -

2.	3.	4.	5.
Sh. Jyotirnoy Chakraborty	03.01.2004	1st	2650-65-3300-70-4000
Sh. Gopal Roy	12.05.2005	1st	- do -
Sh. Ram Pravesh Choudhury	19.04.2005	1st	- do -
Sh. Kaku Kumar	19.12.2003	1st	- do -
Sh. R. K. Barman	09.01.2004	1st	- do -
Smt. Sudipta Singh	01.11.2004	2nd	2750-70-3800-75-4400
Sh. Narbu Tsering	30.10.2005	2nd	- do -
Sh. Bijoy Kr. Singha	11.03.2005	2nd	- do -
Smt. Jayaboti Roy Choudhury,	14.05.2005	1st	2650-65-3300-70-4000
Sh. Ramapada Maity	31.05.2005	1st	- do -

(P. M. Scott)  
Superintending Engineer