

V

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI - 5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

OA No. 22/2009

<u>O.A./TA/ NO.....</u>	<u>2009</u>
<u>R.A./CP/NO.....</u>	<u>2015</u>
<u>E.P./M.P./NO.....</u>	<u>2015</u>

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P.D. 10/07/2015
SECTION OFFICER (JUDL.)

g. j. m. s. t.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

22/09

Applicant(S) Abid Huncain Biswas - Union Of India & Ors

Advocate for the Applicant(S) Adil Ahmed, N. Ahmed

Advocate for the Respondent(S) C.B.S.C.

Note of the Registry	Date	Orders of the Tribunal
All application is in form of Form F. for its. No. d. 24.02.09 No. 39.G.39.1784 Dated 7.2.09	24.02.2009	For the reasons recorded separately, this case stands disposed of.
<i>N. Ahmed Dy. Registrar 120209</i>	/bb/	 (M.R.Mohanty) Vice-Chairman
Steps taken without envelope. Copy served	<i>120209</i>	

11.3.09

Copy of the order
of 24.2.09 along with
the copy of the application
sent to the office for
issuing the same to the
Respondent No. 1 to 9 and
copy of the order to the
Applicant by post.

4/2

Received by
N. Ahmed
13/3/09

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.22 of 2009

DATE OF DECISION: 24.02.2009

Shri Abid Hossain Biswas

.....Applicant/s.

Mr. Adil Ahmed

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Mrs. Manjula Das, Addl. C.G.S.C.

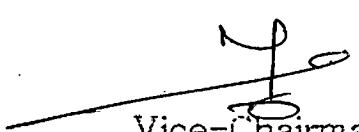
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by


Vice-Chairman

1

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.22 of 2009

Date of Order: This the 24th Day of February, 2009

HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

**Shri Abid Hossain Biswas
S/o Late Abuar Rahman Biswas
Assistant Engineer (Civil)
Central Public Works Department
Khatkhati Central Division
Group Centre C.R.P.F.
P.O.- Khatkhati
Dist- Karbi Anglong, Assam.
Pin- 782480.**

...Applicant

By Advocates: Mr. Adil Ahmed & Mr. Nuruddin Ahmed.

-Versus-

- 1. The Union of India
Represented by Secretary
Government of India
Ministry of Urban Affairs
Nirman Bhawan
New Delhi- 110011.**

- 2. The Director General Works
Central Public Works Department
118-A, Nirman Bhawan
New Delhi- 110011.**

- 3. The Chief Engineer (NEZ)
Central Public Works Department
Cleve's Colony, Dhankheti
Shillong- 793003.**

...Respondents

By Advocate: Mrs. Manjula Das, Addl. C.G.S.C.



* * * * *

O.A. No.22 of 2009
ORDER (ORAL)
24.02.2009

MANORANJAN MOHANTY, (V.C.)

Heard Mr. Adil Ahmed, learned counsel appearing for the Applicant, and perused the materials placed on record.

2. Claiming A.C.P. benefits, the Applicant approached his authorities time & again. He claims, further, that his juniors have already been given the said benefits. In response to his last representation, the Office of the Chief Engineer (North Eastern Zone) of CPWD at Shillong (by their communication dated 25.09.2008) intimated the Applicant as under:-

"Subject:- Implementation for granting of 2nd ACP Scheme in respect of Shri A.H. Biswas, AE(C).

Sir,

With reference to above subject the case of 2nd ACP Scheme was sent by this office letter No.18/10/2004-Admn. dated 11.12.07 (copy enclosed) but no action has been taken so far. This office again sending the check list under ACP Scheme duly filled in prescribed proforma in respect of Shri A.H. Biswas, AE(C) attached to the office of Khatkhati Central Division, CPWD, Khatkhati for further necessary action at your end please."

3. Above communication goes to show that the matter relating to grant of 2nd ACP benefits to the Applicant is still pending with the higher authorities of CPWD Organization at New Delhi.

4. At the above juncture, the Applicant has rushed to this Tribunal with the present Original Application (filed under Section 19 of

the Administrative Tribunals Act, 1985) seeking a direction, to the Respondents, to grant him ACP benefits.

5. A copy of this Original Application has already been supplied to Mrs. Manjula Das, learned Addl. Standing Counsel for Government of India.

6. Since the proposal (for grant of 2nd ACP benefits to the Applicant) is now before the authorities of CPWD, without going into the merits of the matter, this case is hereby disposed of with direction to the Respondents to consider the proposal in respect of the Applicant and pass necessary orders within 90 days from the date of receipt of a copy of this order.

7. Send copies of this order to the Applicant and to all the Respondents (along with copies of this Original Application) in the address given in the O.A. and free copies of this order be supplied to the learned counsel appearing for both parties.

Manoranj
24/02/09

(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 22 OF 2009.

Abid Hossain Biswas

... Applicant

-Versus-

The Union of India & Others

... Respondents

SYNOPSIS:

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

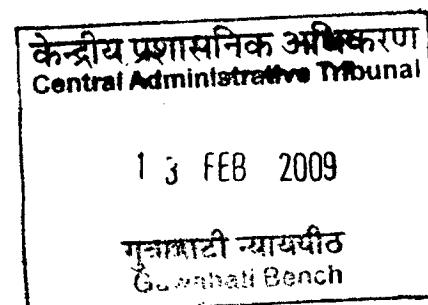
The Applicant presently working as Assistant Engineer (Civil) in the Central Public Works Department (C.P.W.D. in short) at Kohima in the state of Nagaland under the Executive Engineer (Civil) Khatkhati Central Division, Khatkhati. He has joined in C.P.W.D. as Junior Engineer (Civil) on 19.03.1982. The Government of India vide their Office Memorandum dated 09.08.1999 launched an Assured Career Progression (in short ACP) Scheme for Group B, C and D Central Government Employees. As per the said Scheme the Central Government Employees are entitled for two financial up-gradations on completion of 12 years and 24 years regular service. The Applicant has already completed more than 26 years of regular service without any blemished under the Respondents and therefore he is entitled for the 2nd financial up-gradation under the ACP scheme. After completion of 24 years of regular service he submitted a representation to the Executive Engineer (Civil), Khatkhati Central Division, C.P.W.D., Khatkhati for granting him the 2nd financial up-gradation under the ACP Scheme and the Executive Engineer forwarded the case of the Applicant to the Superintending Engineer, Silchar Central Circle, C.P.W.D., Silchar on 11.01.2007. Thereafter the Superintending Engineer, Silchar Central Circle, C.P.W.D., Silchar forwarded the case of the Applicant to the Chief Engineer (NEZ), C.P.W.D., Shillong on 12.02.2007 for necessary action. The Deputy Director (Admn), C.P.W.D., New Delhi on 04.06.2008 issued a list of 68 Junior Engineer (Civil) for 2nd financial up-gradation under the ACP scheme. In the said list the Applicant name is not included in

Abid Hossain Biswas.

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the said list in spite of his completion of 24 years of regular service. Some of the Junior Persons names were listed in the said list. Being aggrieved by this the Applicant filed a representation on 16.07.2008 before the Chief Engineer (NEZ), C.P.W.D., Shillong for consideration of his name for 2nd financial up-gradation under the ACP Scheme. The Section Officer (Admn) in the office of the Chief Engineer (NEZ), C.P.W.D., Shillong on 11.08.2008 intimated the Applicant that he has forwarded the check list under the ACP scheme in respect of the Applicant to the Director General of Works, C.P.W.D., New Delhi on 11.12.2007 for granting him the 2nd financial up-gradation under the ACP Scheme on 25.09.2008. The Applicant submitted another representation on 15.09.2008 before the Chief Engineer (NEZ), C.P.W.D., Shillong for taking necessary action in this matter. The Section Officer (Admn) in the office of the Chief Engineer (NEZ), C.P.W.D., Shillong forwarded again the Check List under the ACP Scheme in respect of the Applicant for granting him 2nd financial up-gradation under the ACP Scheme to the Director General of Works, C.P.W.D., New Delhi. However, till date the Respondents have not granted the 2nd financial up-gradation under the ACP Scheme to the Applicant inspite of all the recommendation mentioned in above.

Hence, this Original Application for seeking justice in this matter.



Akbar Nossain Biswas.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 22 OF 2009.

Abid Hossain Biswas

... Applicant

-Versus-
The Union of India & Others

... Respondents

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

LIST OF DATES

19.03.1982 The Applicant was appointed as Junior Engineer (Civil) in the Central Public Works Department.
Para 4.2

09.08.1999 The Government of India introduced two financial up-gradations under Assured Career Progression Scheme for Group B, C and D Central Government Employees after attaining 12 years and 24 years regular service respectively.
Para 4.3
Annexure 1

18.03.2006 The Applicant has completed the requisite 24 years of regular service under the Department.
Para 4.5

11.01.2007 The Executive Engineer, Khatkhati Central Division, C.P.W.D. vide his letter to the Superintending Engineer, Silchar Central Circle, C.P.W.D. Silchar recommended the case of the Applicant for grant of 2nd ACP.
Para 4.5
Annexure 2

12.02.2007 The Superintending Engineer, Silchar forwarded the case of the Applicant to the Chief Engineer (NEZ), C.P.W.D., Shillong for granting him 2nd ACP.
Para 4.6
Annexure 3

04.06.2008 The Deputy Director (Admn), C.P.W.D. issued a list of 68 Junior Engineer (Civil), C.P.W.D. for 2nd financial up-gradation under the ACP Scheme.
Para 4.7
Annexure 4

16.07.2008 The Applicant submitted a representation to the Chief Engineer (NEZ), C.P.W.D. praying for granting him 2nd ACP.
Para 4.8
Annexure 5

11.08.2008 The Section Officer (Admn) intimated the Applicant about the forwarding of his representation before the Director General of Works, C.P.W.D., New Delhi.
Para 4.9
Annexure 6

15.09.2008 The Applicant submitted another representation to the Chief Engineer (NEZ), C.P.W.D., Shillong.
Para 4.10
Annexure 7

25.09.2008 The Section Officer (Admn) in the office of the Chief Engineer (NEZ), C.P.W.D., Shillong forwarded the check list under the ACP scheme in respect of the Applicant for granting him 2nd ACP to the Director General of Works, C.P.W.D., New Delhi.
Para 4.11
Annexure 8

Date- 13.02.2009

Filed by

Nuruddin Ahmed
Advocate

Abid Hossain Biswas.

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

(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 22 OF 2009.

Shri Abid Hossain Biswas

..... Applicant

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

-Vs-

The Union of India & Others

..... Respondents

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- I N D E X -

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4	2	Photocopy of the letter No. 10(4)/KCD/2006-07/2156 dated 11.01.07.	17 to 19
5	3	Photocopy of the letter No. 9(30)/SCC/06/162 dated 12.2.07.	20 to 21
6	4	Photocopy of the office order No.150 of 2008 dated 04.06.2008.	22 to 24
7	5	Photocopy of the representation submitted by the Applicant dated 16.07.2008.	25 to 26
8	6	Photocopy of the forwarding letter dated 11.08.2008.	27
9	7	Photocopy of the representation dated 15.09.2008 submitted by the Applicant.	28
10	8	Photocopy of the letter dated 25.09.2008.	29

Date- 13.02.2009

Filed by

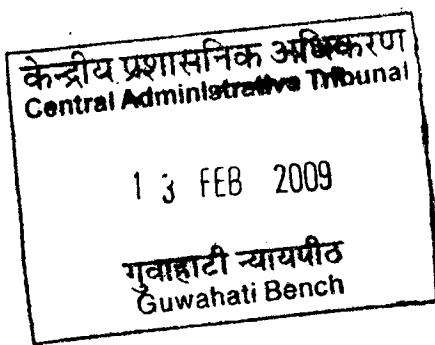
Nuruddin Ahmed
Advocate

Abid Hossain Biswas.

Central Administrative Tribunal
Guwahati Bench
Case No. 22
Shri Abid Hossain Biswas
Advocate
for the Plaintiff
and
Shri Abid Hossain Biswas
Advocate
for the Respondent

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.
(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

FILED BY



ORIGINAL APPLICATION NO. 22 OF 2009.

BETWEEN

Shri Abid Hossain Biswas
Son of Late Abuar Rahman Biswas
Assistant Engineer (Civil)
Central Public Works Department,
Khatkhati Central Division,
Group Centre C.R.P.F.,
Post Office-Khatkhati
District-Karbi Anglong, Assam,
PIN-782480 ✓

...Applicant

-And-

1. The Union of India represented
by the Secretary to the
Government of India, Ministry of
Urban Affairs, Nirman Bhawan,
New Delhi, Pin Code-110011.✓

2. The Director General Works,
Central Public Works Department,
118-A, Nirman Bhawan, New Delhi
Pin Code-110011.✓

3. The Chief Engineer (NEZ)
Central Public Works Department,
Cleve's Colony, Dhankheti,
Shillong, Pin Code-793003.✓

...Respondents

DETAILS OF THE APPLICATION:

1) PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE:

The Application is not made against any particular order but it is made
for seeking a direction from this Hon'ble Tribunal to the Respondents to grant
the 2nd financial benefit under the Assured Career Progression (in short
ACP) Scheme to the Applicant as he has already completed more than 26 years
regular service in the Department.

Abid Hossain Biswas.

13 FEB 2009

गुवाहाटी न्यायदीठ
Guwahati Bench

2) JURISDICTION OF THE TRIBUNAL

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

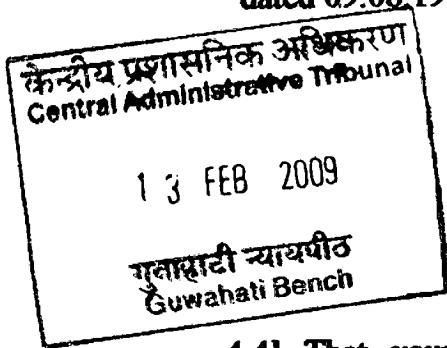
4.1] That your Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India and the law framed thereunder from time to time.

4.2] That your Applicant begs to state that he has joined as Junior Engineer (Civil) in the Central Public Works Department (C.P.W.D. in short) on 19.03.1982 and he was posted at Central Design Organization C.P.W.D., Nirman Bhawan, New Delhi. He was transferred to Jaipur Central Division No-II C.P.W.D. at Jaipur from New Delhi. Thereafter he was promoted to the post of Assistant Engineer (Civil) C.P.W.D. and posted in C.P.W.D. Eastern Region at Kohima Central Sub Division I & II under the office of the Executive Engineer, Khatkhati Central Division C.P.W.D., Group Centre, CRPF, Khatkhati, Assam. He joined in his post as Assistant Engineer (Civil) on 14.09.2006 at Kohima in the state of Nagaland.

4.3] That your Applicant begs to state that the Fifth Central Pay Commission in its reports has made certain recommendations relating to the Assured Career Progression (ACP in short) Scheme for the Central Government civilian employees in all Ministers/Departments. The ACP Scheme need 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 of the recommendation of the Central Pay Commission (CPC in short), the Govt. of India, vide its Office Memorandum No.35034/1/97-Estt (D) dated 09-08-1999 issued by the Department of Personal and Training (DOPT in short) launched an ACP Scheme with certain modifications for

Abed Hossain Biswas.

the Central Government Civilian employees to mitigate hardships in cases of acute or in an isolated post. As per the said ACP Scheme the Group "B", "C" and "D" Central Government Employees are entitled for financial up-gradations on completion of 12 years and 24 years of regular service irrespective of availability of posts/vacancies. The detailed Scheme and the conditions thereto have been circulated by the DOPT vide its said O.M. dated 09.08.1999.



Photocopy of ACP Scheme vide Office Memorandum dated 09th August 1999 is annexed herewith and marked as ANNEXURE-1.

4.4] That your Applicant begs to state that the Central Government Employees are entitled for two financial up-gradations on completion of 12 years and 24 years of regular service irrespective of availability of Posts/Vacancies under the ACP Scheme. The instant Applicant has already completed more than 26 years of unblemished regular service in C.P.W.D. Therefore he is entitled for 2nd ACP w.e.f. 18.03.2006 as he has completed 24 years of service on the said date.

4.5] That your Applicant begs to state that after completion of his 24 years of service he submitted an application before the Executive Engineer, G.C., C.R.P.F. Complex, Khatkhati Central Division, C.P.W.D., Karbi Anglong, Assam for granting him 2nd financial benefits under the ACP scheme. In reference to the said application the Executive Engineer vide its letter No. 10(4)/KCD/2006-07/2156 dated 11.01.07 recommended the case of the Applicant for granting him 2nd ACP to the Superintending Engineer, Silchar Central Circle, C.P.W.D., Silchar. In the aforesaid recommendation the Executive Engineer has stated that the Applicant has already completed 24 years of service on 18.03.2006 and no adverse record is found or pending against him as per his service record and Personal File.

Photocopy of the letter No. 10(4)/KCD/2006-07/2156 dated 11.01.07 is annexed herewith and marked as ANNEXURE-2.

4.6] That your Applicant begs to state that the Superintending Engineer, Silchar Central Circle, CPWD, Silchar vide its letter No. 9(30)/SCC/06/162

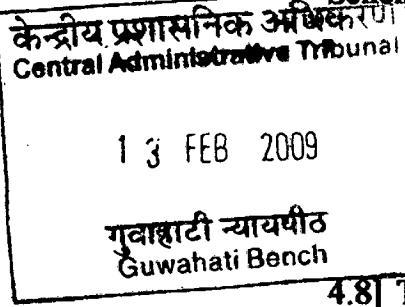
Abid Hussain Biswas.

dated 12.02.07 forwarded the case of the Applicant to the Chief Engineer (NEZ), CPWD, Dhankheti, Shillong for granting him 2nd ACP.

Photocopy of the letter No. 9(30)/SCC/06/162 dated 12.02.07 is annexed herewith and marked as ANNEXURE-3.

4.7] That your Applicant begs to state that the Deputy Director (Admn) in the office of the Directorate General of Works, C.P.W.D. vide its office order No.150 of 2008 dated 4th June 2008 granted 2nd ACP to 68 (sixty eight) Junior Engineer (Civil), C.P.W.D. who had completed 24 years of regular service from initial date of appointment. They were granted the 2nd financial up-gradation under ACP scheme in the pay scale of Rs.10,000/- 15,200/-. The name of the Applicant did not included in the said list but some of the Junior Engineers who were appointed in the department after the Applicant got the benefit of 2nd financial up-gradation under the ACP Scheme vide the aforesaid list dated 4th June 2008.

Photocopy of the office order No. 150 of 2008 dated 04.06.2008 is annexed herewith and marked as ANNEXURE-4.



4.8] That being aggrieved by non-inclusion of his name in the list dated 04.06.2008 for granting the benefit of 2nd ACP, the Applicant filed a representation before the Chief Engineer (NEZ), C.P.W.D. Shillong to take necessary action for granting 2nd ACP to him.

Photocopy of the representation dated 16.07.2008 submitted by the Applicant is annexed herewith and marked as ANNEXURE-5.

4.9] That your Applicant begs to state that the Section Officer (Admn), in the office of the Chief Engineer (NEZ), C.P.W.D. vide its letter No.18/10/2004-Admn. dated 11.08.2008 intimated the Applicant about forwarding of the application of 2nd ACP to DG (W), New Delhi vide their office letter No.18/10/2004-Admn. dated 11.12.2007.

Photocopy of the forwarding letter dated 11.08.2008 is annexed herewith and marked as ANNEXURE-6.

Abid Lassaei Biswal

4.10] That your Applicant begs to state that on 15.09.2008 he submitted another representation in reference to his letter dated 16.07.2008 to the Chief Engineer (NEZ), C.P.W.D., Shillong. stating therein that in spite of more than two and half years after fulfilling the required 24 years of regular service he did not get the 2nd financial up-gradation under ACP Scheme, therefore he is incurring financial losses. He requested the chief Engineer to forward his case to the concerned authority for consideration of his name for the benefit of 2nd financial up-gradation under the ACP Scheme.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Photocopy of the representation dated 15.09.2008 submitted by the Applicant is annexed herewith and marked as ANNEXURE-7.

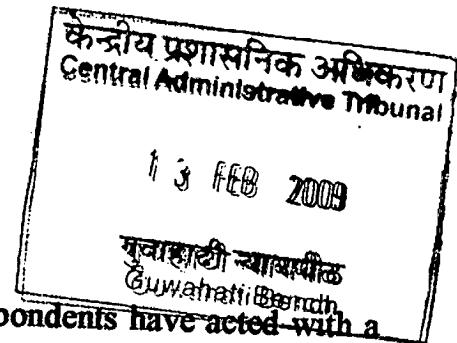
4.11] That your Applicant begs to state that the Section Officer (Admn), in the office of the Chief Engineer (NEZ), C.P.W.D., Shillong vide her letter No.18/10/2008-Admn. dated 25.09.2008 forwarded again the check list under ACP scheme in respect of the Applicant for granting of 2nd ACP scheme to the Director General (Works), C.P.W.D., New Delhi i.e. the Respondent No.2 for necessary action. However till date the Respondents have not taken any steps for granting 2nd ACP to the Applicant. As such finding no other alternative Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Photocopy of the letter dated 25.09.2008 is annexed herewith and marked as ANNEXURE-8.

4.12] That your Applicant begs to state that the Respondents have adopted a discriminatory attitude towards him only to deprive him from his legitimate dues. Surprisingly, the Respondents have granted 2nd financial benefits under the ACP scheme to the Junior Persons by depriving the Applicant vide their list dated 4.6.2008. As such it is a fit case for this Hon'ble Tribunal to interfere with and to protect the rights and interests of the Applicant by directing the Respondents to grant 2nd financial up-gradation under the ACP Scheme.

4.13] That your Applicants begs to state that due to non-consideration of his case for granting the 2nd financial up-gradation under the ACP Scheme he is suffering from heavy financial loss. As such the action of the Respondents is arbitrary, unjust, unfair, illegal, discriminatory and violative of the principle of natural justice and doctrine of equality.

Abiel Hossain Biswas



4.14] That your Applicant submits that the Respondents have acted with a mala-fide intention only to deprive him from his legitimate right.

4.15] That your Applicant submits that the action of the Respondents is highly illegal, improper, discriminatory, whimsical and also against the fair play of Administrative justice.

4.16] That your Applicant submits that the Respondents have violated the Articles 14, 16 and 21 of the Constitution of India.

4.17] That your Applicant submits that the Respondents have violated the principle of Natural Justice.

4.18] That your Applicant submits that he demands justice and the same has been denied by the Respondents.

4.19] That this application is filed bonafide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, mala-fide, arbitrary and without jurisdiction.

5.2] For that, the Government of India, Ministry of Personal, Public Grievances and Pensions, Department of Personal and Training vide its Office Memorandum dated 09.08.1999 granted A.C.P. Scheme i.e. financial benefits after competition 12 years and 24 years regular service for the Central Government Employees. Therefore the Applicant is also entitled for two financial up-gradations under the ACP scheme.

5.3] For that, the similarly situated persons has already been granted the said financial benefit under the ACP Scheme by the Respondents. The Respondents can not discriminate the Applicant by not granting him the said benefit without any cause or causes. Hence the action of the Respondents is discriminatory and also not sustainable in the eye of law.

5.4] For that, the Executive Engineer and the Superintending Engineer C.P.W.D. has already recommended the case of the Applicant before the

Ahmed Sossain Riswas.

13 FEB 2009

Guwahati Bench

Respondent No.3 for granting him second financial benefit under the A.C.P. Scheme and they have also stated that the Applicant has already completed 24 years of regular service and no adverse record is found or pending against him in his service record. Inspite of the aforesaid recommendation the Respondents have not yet granted the 2nd financial up-gradation under the ACP Scheme to the Applicant.

5.5] For that, the office of the Respondent No.2 vide its order dated 04th June 2008 granted second ACP to some of the Junior Engineer (Civil) C.P.W.D. who were junior to the Applicant. The Respondents being a model employer cannot deny the aforesaid benefit to the Applicant which he is legally entitled to.

5.6] For that, the action of the Respondents is arbitrary, mala-fide and discriminatory with an ill motive only to deprive the Applicants from getting his legitimate due.

5.7] For that, due to non-granting the 2nd financial benefit to the Applicant under the ACP scheme, he is suffering from great financial loss and also mental anxiety due to neglected attitude of the Respondents.

5.8] For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact of this case.

The Applicants crave leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicants further declare that he has not filed any Application, Writ Petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

Sleid Hossain Dswej

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1] That the Hon'ble Tribunal may be pleased to direct the Respondents to grant the Applicant the 2nd financial up-gradation under the ACP scheme as the Applicant has already completed more than 24 years of regular service in C.P.W.D.

8.2] To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3] To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

At this stage Applicants do not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any appropriate order/orders.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I. P.O. No. 396 391784

Date of Issue 7.2.2009

Issued from Guwahati G.P.O.

Payable at Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification . . .

Abid Hussain Biswas.

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

VERIFICATION

I, Abid Hossain Biswas aged about 51 years, Son of Late Abuar Rahman Biswas, working as Assistant Engineer (Civil) office of the Executive Engineer, Khatkhati Central Division, Central Public Works Department, Group Centre C.R.P.F., Khatkhati, P.O.- Khatkhati District-Karbi Anglang Assam PIN- 782480 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.4, 4.8, 4.10, 4.12, 4.13 are true to my knowledge, those made in paragraph nos. 4.3, 4.5 to 4.7, 4.9, 4.11 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 13th day of February, 2009.

Abid Hossain Biswas

DECLARANT

10
ANNEXURE-- 1
MOST IMMEDIATE

No.35034/1/97-Balt(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

13 FEB 2009
Tatkal of 2009
Guwahati Bench
Central Adminstration
Central Pay Commission
Central Government Civilian Employees
THE ASSURED CAREER PROGRESSION SCHEME FOR
THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

Central Pay Commission in its Report has made certain recommendations relating to 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 combat the problem of genuine stagnation and hardship faced by the employees due to lack of opportunities in traditional 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 POSITIONS 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 ~~one financial upgradation~~ [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (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.

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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.

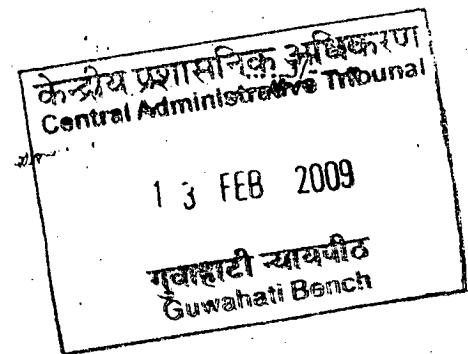
6. SCREENING COMMITTEE

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.



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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).

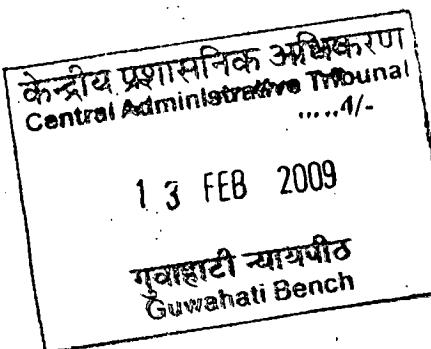
12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

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



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ANNEXURE-1CONDITIONS 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;

केन्द्रीय प्रशासनिक अदायकरता
Central Administrative Tribunal ...5/
Guwahati Bench

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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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 (slightly/comparable) 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(1) 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;

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal

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13 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

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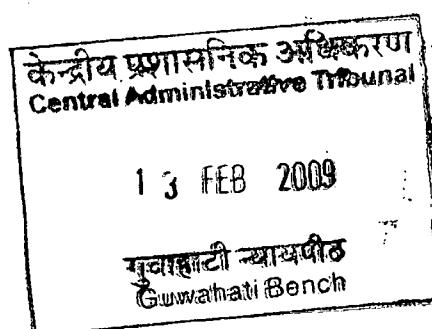
11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

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.



13 FEB 2009

(K.K. JHA)

Director(Establishment)

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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.	S-1	2550-55-2660-60-3200 Pem
2.	S-2	2610-60-3150-65-3540 Dc (lary)
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590 LD
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000 U.D.C P.A.
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000 ASST
10.	S-10	5500-175-9000 P.A.
11.	S-12	6500-200-10500 P.S./S.O.
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200 U.S.
16.	S-21	12000-375-16500 D.S.
17.	S-23	12000-375-18700
18.	S-24	14300-400-18300 D.R.W. lks

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

13 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

13 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE EXECUTIVE ENGINEER
G.C., C.R.P.F., COMPLEX, KHATKHATI
KARBI ANGLANG DISTRICT, ASSAM
PIN CODE-782480

No. 10(4)/KCD/2006-07/2156

Dated 11.01.07

To,

The Superindenting Engineer
Silchar Central Circle, CPWD
Malugram, Mela Road
Silchar-2

Sub- Prayer for grant of 2nd ACP in respect of Sri A.H. Biswas, AE ©

Enclosed please find herewith an application received from Shri A.H. Biswas, AE© attached to this division along with Check List duly filled in for favour of further necessary action please.

Shri A.H.Biswas, AE© attached to this division and completed 24 years of service as on 18.03.06. Shri A.H. Biswas, AE© has joined this department on 19.3.82 as JE and joined to this office on 15.09.2006 vide this office No. 9(2)/KCD/2006/1563 dated 16.9.06 (Copy attached)

The 1st ACP has been granted vide No. 21(150)/95/DCSD/T/314 dated 23.1.98 (a copy of Service book record zerox copy attached)

No adverse record is found pending against him as per his service record and P/File. Hence the case for grant of 2nd ACP is hereby recommended and submitted for favour of further necessary action.

Executive Engineer

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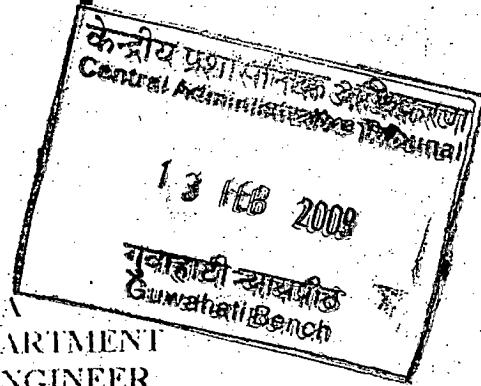
- 1) The Chief Engineer (NEZ), CPWD, Dhankheti Shillong-3 for favour of information please.
- 2) Shri A.H.Biswas, AE, KCSD No.1, CPWD, Kohima
- 3) File No. 9(2)/KCD.

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Executive Engineer

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE EXECUTIVE ENGINEER
G.C.C., CRPF, COMPLEX, KHATKHATI
KARBI ANGLONG DISTRICT, ASSAM
PIN CODE - 78240



No. 10(4)/KCD/2006-07/ 2156

Dated 01/07

To

The Superintending Engineer,
Silchar Central Circle, CPWD,
Malogram, Mela Road,
Silchar - 2.

Sub: Prayer for grant of 2nd ACP in respect of Sri A.H. Biswas, AE (C).

Enclosed, please find herewith an application received from Shri A.H. Biswas, AE (C) attached to this division along with Check List duly filled in for favour of further necessary action please.

Shri A. H. Biswas, AE (C) attached to this division and completed 24 years of service as on 18.03.06. Shri A. H. Biswas, AE (C) has joined this department on 10.3.82 as JE and joined to this office on 15.09.2006 vide this office No. 9(2)/KCD/2006 /1563 dated 16.9.06 (Copy attached).

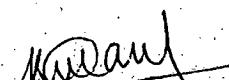
The 1st ACP has been granted vide No.21(150)/95/DCSD/T/314 dated 23.1.98 (a copy of Service book record zerox copy attached).

No adverse record is found pending against him as per his service record and P/F file. Hence the case for grant of 2nd ACP is hereby recommended and submitted for favour of further necessary action.

Executive Engineer

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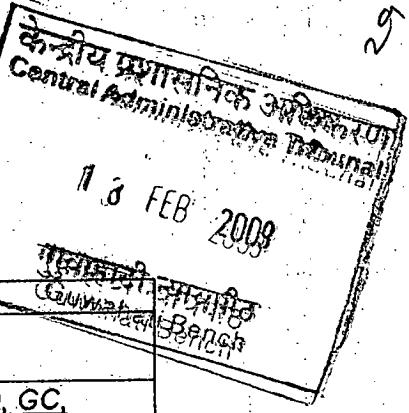
- 1) The Chief Engineer (NEZ), CPWD, Dhankheti Shillong-3 for favour of information please.
- 2) Shri A. H. Biswas, AE, KCSD No.1, CPWD, Kohima.
- 3) File No.9(2)/KCD.


Executive Engineer

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CHECK LIST UNDER ASSURED CAREER PROGRESSION SCHEME
AS DECLARED BY GOVERNMENT OF INDIA
MINISTRY OF FINANCE O/M.NO.35036/1/97- ESTT., DATED 09-06-1999



PARTICULARS

Sl.No	Particulars	
1	Name of Government Servant (in block letters)	Sri Abid Hossain Biswas
2	Present Post & Station:	AE (C), O/O.EE, KCD, CPWD, GC, CRPF, Khatkhati, Assam.
3	Date of appointment in the Present grade.	No. Coord 2 (Apptt)(1)81/JE-NZ/315 dt. 16.2.82
4	Pay Scale of the present post.	Rs.8900 - 200 - 10500
5	Date of Birth.	16-03-1957.
6	Qualification.	Engineering Civil
7	Date of appointment in the Dep't. And the post in which appointed.	19.03.1982 as J.E(C).
8	Whether promoted to the next grade. Give number of promotion as on 9.8.99	
9	When does he/she completed 12/24 yrs. excluding the period not considered for the purpose i.e.taking only qualifying service.	12 years. 18.03.1994 (1st ACP granted wef 25.4.97 vide 21/150/95/DCSD/IT/314 dt. 23.1.98 (S/B record zerox copy attached) 24 Years. 18.03.2006
10	Had employee been debarred for pro- motion/refused promotion, if so, give period any reference.	- NIL -
11	Whether the Official is free from Vigilance angle for promotion/ACP.	No V.C.C. case pending
12	Grading CRs for the last 5 years prior to 9.8.99 and thereafter showing adverse remarks if any except final grading.	
a)	1 st.	
b)	2 nd.	
c)	3 rd.	
d)	4 th.	
e)	5 th.	
f)	6 th.	
g)	7 th.	
h)	8 th.	
i)	Final.	
13	Integrity Certificate.	No doubt
14	Remarks.	Fit for grant

Each mentioned above certified from the service records (on each every sheet)

NB : Emp ID No - AHB 16031957 JE CI 03/1982

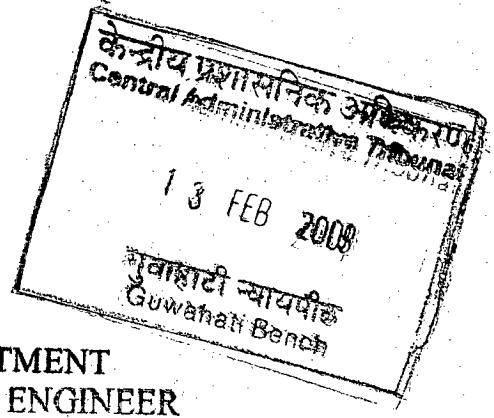
E Seniority no: 313

M. Hossain
Ex-Engineer,
(Signed by Competent Officer)
With Office Stamp

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
SILCHAR CENTRAL CIRCLE, MELA ROAD,
MALUGRAM, SILCHAR-488002



No. 9(30)/SCC/06/162

Dated-12/2/07

To
The Chief Engineer (NEZ)
C.P.W.D., Dhankheti
Shillong-3

Subject-Regarding 2nd ACP in respect of Shri A.H. Biswas, AE(C)

Sri A.H.Biswas, AE (C) attached to Khatkhati Central Division, CPWD, Khatkhati submitted a representation for grant of 2nd ACP after completion of 24 years continuous service. Which is forwarded herewith for necessary action.

Encl:-Check List

Sd/

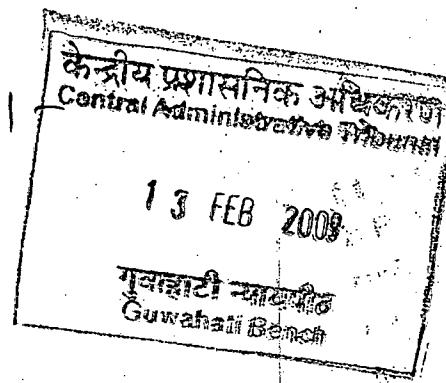
Superintending Engineer
Silchar Central Circle
C.P.W.D., Silchar-2

Copy to

The EE, KCD, CPWD, Khatkhati w.r.t. letter No. 10 (1)/Kcd/2006-07/2156 dated 11/01/2007.

Illegible
Superintending Engineer

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ADVOCATE



GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
SILCHAR CENTRAL CIRCLE, MELA ROAD,
MALUGRAM, SILCHAR- 788002.

No. 8(30)/SCC/06/

Dated 11/2/08

To
The Chief Engineer(NEZ),
C.P.W.D., Dhankheti,
Shillong-3.

Subject:- Regarding 2nd ACP in respect of Sri A.H. Biswas, AE©.

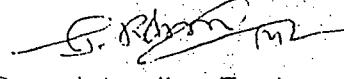
Sri A.H. Biswas, AE© attached to Khatkhati Central Division, CPWD, Khatkhati submitted a representation for grant of 2nd ACP after completion of 24 years continuous service. Which is forwarded herewith for necessary action.

Enc:- Check list.

Superintending Engineer,
Silchar Central Circle,
C.P.W.D., Silchar-2.

Copy to :-

1. The EE, KCD, CPWD, Khatkhati w.r.t. letter No.10(1)/kCD/ 2006-07/2156 dated 11/01/2007.


Superintending Engineer

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A-11014/1/2008-ECVI

Government of India

Directorate General of Works

Central Public Works Department

13 FEB. 2009

Nirman Bhavan, New Delhi-110011.

ગુજરાતી લાયલાન્ડ
Gujarati Land

OFFICE ORDER No. 50 OF 2008

Dated the 4th June, 2008

Consequent upon completion of 24 years of service from initial appointment in the grade of Junior Engineer(Civil) the President is pleased to grant the benefits of 2nd financial upgradation under Assured Career Progression Scheme in the pay scale of Rs. 10,000-15,200/- to the 68 Junior Engineers (Civil) as mentioned in Annexure with effect from the date mentioned against the each officer. The pay of these officers may be fixed by their respective controlling officers in terms of Department of Personnel and Training Office Memorandum No. 35034/1/97-Estt(D) dated 9th August, 1999 and 10th February, 2000.

1. In case any of the officers whose name figures in Annexure has taken voluntary retirement, resigned or expired on or before the date of 2nd ACP becoming due, the benefits of financial upgradation may not be given to him by the controlling officer concerned.
2. Further, course of action may be taken by the controlling officers after verifying that no vigilance case/charge sheet is pending against any of the officer mentioned in the Annexure and where a penalty has been imposed upon any of the officer, 2nd ACP shall be granted to him after expiry of the period of penalty by this Directorate on confirmation by the concerned controlling officer about date of completion of the penalty imposed upon the officer.

(Suresh Chandra)

Deputy Director (Admn)

Copy to:-

1. All the Pay & Accounts Officers in the CPWD, PWD, NCTD, Delhi.
2. All Additional Director General works in the CPWD.
3. The Engineer in Chief, PWD, New Delhi.
4. All SEs(Civil) in the CPWD/PWD/Valuation/AA/Environment & Forest.
5. All concerned officers/EC-III/CR Cell/Hindi Shakha for Hindi version.

(Suresh Chandra)

Deputy Director (Admn)

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ADVOCATE

18 FEB 2009

3
ANNEXURE

List of Junior Engineers(Civil) who have completed 24 years of regular service in the
grade & due for 2nd financial upgradation under ACP scheme at Bhopal Branch

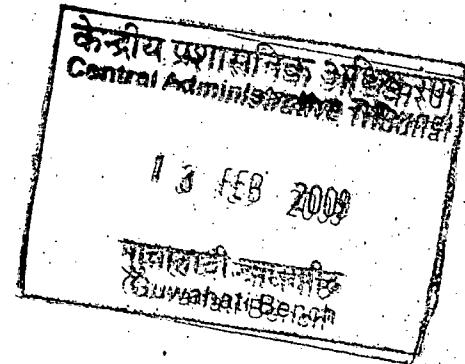
S.No.	S/Shri	Date of Birth	Date of Appu. In the grade.	Due date for grant of 2 nd ACP
1.	S.L. Patkar	12.10.58	31.10.79	23.01.07
2.	D.M. Warnular	20.05.59	26.03.80	01.05.07
3.	Lalit Kumar Rawat	22.12.59	12.02.82	21.03.06
4.	S.K. Sood	27.01.59	03.11.03	01.07.07
5.	Prakash Chandra	19.03.59	15.02.80	22.03.04
6.	A.K. Agarwal	28.08.55	16.03.81	23.04.05
7.	Chander Pratap Singh	20.07.59	09.02.81	11.08.06
8.	Vijay Kumar Behl	25.07.58	10.03.81	17.04.05
9.	S.S. Purandare	28.05.59	01.06.82	08.07.06
10.	N. Prasada Rao	23.12.62	03.05.82	03.05.06
11.	T.K. Das	26.07.57	20.03.82	27.04.06
12.	Ram Babu	25.07.61	08.04.82	30.04.06
13.	Santosh Datta	20.01.60	09.03.82	15.04.06
14.	Hari Shankar Das	01.01.61	12.03.82	17.04.06
15.	Amitava Giri	16.03.60	12.03.82	19.04.06
16.	Parmjit Singh Gill	06.07.60	02.11.83	02.11.07
17.	R. Manivanan	01.05.61	14.02.83	23.03.07
18.	Farook Mohammad	01.01.58	17.03.83	27.03.07
19.	A Veera Prasad	01.07.61	14.04.83	21.04.07
20.	Brahma Nand Singh	01.07.58	16.03.83	23.04.07
21.	Radha Kanti Gupta	03.06.60	17.03.83	24.04.07
22.	Atiqui Mohd. Siddiqui	07.10.56	24.03.83	30.04.07
23.	I Narayan Rao	25.07.63	05.11.83	05.11.07
24.	S.M. Thaverdasani	25.06.60	06.09.83	17.10.07
25.	Uttam Kumar Biswas	23.06.61	06.12.83	13.01.08
26.	Om Prakash Verma	01.09.59	06.12.83	27.12.07
27.	Ved Pal Singh	12.10.60	23.06.83	23.06.07
28.	Arun Kumar Srivastav	11.07.61	07.02.83	07.02.07
29.	Bhupender Sharma	12.08.62	07.11.83	15.11.07
30.	Gauri Shankar Tak	25.03.59	26.08.83	02.10.07
31.	Parmod Kumar Ahuja	16.04.60	29.09.83	05.11.07
32.	V.K. Saini	09.08.60	30.09.83	06.11.07
33.	Dipak Kumar Maity	02.01.59	24.10.83	30.11.07
34.	Gulshan Kumar Nagpal	29.09.63	26.10.83	02.12.07
35.	Mukesh Rudola	21.02.62	28.10.83	03.12.07
36.	Khem Chand Dhiman	02.03.61	31.10.83	07.12.07
37.	Rajinnder Paul	08.04.58	15.11.83	15.11.07
38.	N.P. Mishra	01.05.61	16.11.83	23.12.07

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39.	Parmod Kumar	04.08.61	18.11.83	19.11.07
40.	Ram Bhaj Nehra	30.04.63	24.11.83	31.12.07
41.	Shiv Bali Yadav	10.07.58	12.09.83	19.10.07
42.	M.S. Chhetry	05.01.60	12.12.83	18.01.08
43.	Ram Achal Singh	01.12.61	23.12.83	29.01.08
44.	N. Solomoun Raju	05.02.62	09.01.84	15.02.08
45.	Kartar Singh	13.02.61	16.01.84	22.02.08
46.	Vijay Kumar Mata	21.11.62	18.01.84	24.02.08
47.	Pawan Kumar Agarwal	11.06.59	27.02.84	04.04.08
48.	Harish Chander Budhani	29.12.58	21.04.84	28.05.08
49.	Anil Kumar Gupta	30.12.59	06.04.84	05.04.08
50.	Shiv Singh	10.09.60	18.06.84	24.07.08
51.	Apurba Bhowal	02.01.60	25.06.84(AN)	04.08.08(AN)
52.	Mukesh Jain	03.01.63	09.02.84	17.03.08
53.	Ved Khurana	10.11.61	09.03.84	27.03.08
54.	Mahesh Narayan	13.11.58	12.01.84	17.02.08
55.	Rakesh Sharma	20.03.61	12.04.84	18.05.08
56.	T.N. Pandey	20.07.60	02.04.84	09.05.08
57.	S. Bandopadhyay	02.04.63	31.10.83	06.12.07
58.	Biswanath Sen	01.04.61	19.10.83	22.11.07
59.	R.T. Chandran	19.05.61	12.09.83	18.10.07
60.	R.K. Dixit	20.09.61	08.07.83	04.09.07
61.	Smt. K. Satyamani	18.03.63	20.03.84	26.04.08
62.	Komal Kumar Sood	26.10.62	07.11.83	14.12.07
63.	Shiv Charan Sharma	04.08.57	27.02.84(AN)	04.04.08(AN)
64.	M.S. Rautela	27.06.62	04.01.84	11.02.08
65.	Bhura Ram Choudhary	02.09.60	30.11.83	07.01.08
66.	M. Mohan Naidu	18.04.61	07.03.84	14.04.08
67.	Rama Shankar Singh	17.01.60	15.11.83	23.11.07
68.	A.K. Shukla	05.12.62	28.02.84	04.04.08



ATTESTED

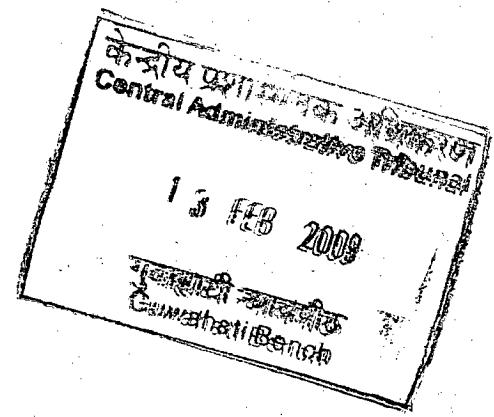
(A)
ADVOCATE

- 25 -

-TYPED COPY-

To

The Chief Engineer (NEZ)
 CPWD, Cleve's Colony
 Dhankheti, Shillong-3



Subject : Regarding 2nd ACP in respect of Shri A.H. Biswas AE©

Ref. : SE's office letter No.9 (30)/SCC/06/162 dtd. 12.02.07

Respected Sir,

It is a pity to state that after more than 26 years of continuous service in this department (joined on 19.3.82 as JE©.) I did not get the benefit of 2nd ACP which was due on 19.03.2006 till date. I could not find my name in the latest ACP list circulated by Director General of Works, CPWD vide his office order No. 150 of 2008 dtd. 04.06.2008 after making necessary enquiries from the concerned office i.e. EC-VI Section, DG (W), CPWD, Nirman Bhawan New Delhi. It is found that the representation which was forwarded to your office vide SE's office letter No. 9(30)/SCC/06/162 dated 12.02.07 was not received by the concerned office. It is not known my representation at all forwarded or not because I did not get any information regarding this.

So you are requested to please forward my representation (checklist with necessary CRS 2000-01 to 2005-06) as early as possible so that my case may also be considered.

It is also my humble request to you please get me intimated, if possible, after forwarding my case so that I can also pursue the case at my level.

Enclo: 1) letter reference above
 2) Photocopy of checklist

Dated 16th July, 2008
 Kohima

Yours faithfully
 Illegible
 (Shri A.H.Biswas)
 Assistant Engineer
 Kohima Central Sub-Divn-I
 C.P.W.D., Lower
 A.G.Colony
 Kohima, Nagaland

ATTESTED

 ADVOCATE

TO

The Chief Engineer (NEZ),
CPWD, Cleve's Colony,
Dhankheti, Shillong- 3.

Subject: Regarding 2nd ACP in respect of Shri A.H. BISWAS AE(C).

Ref. : SE's office letter No: 9(30)/SCC/06/162 dtd. 12/02/07.

Re: Received Sir.

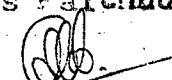
It is a pity to state that after more than 26 years of continuous service in this department (Joined on 19-3-82 as SE(C)). I did not get the benefits of 2nd ACP which was due on 19-03-2006 till date. I could not find my name in the latest ACP list circulated by Director General of Works, CPWD, vide his office order No 150 of 2008 dtd. 04-06-2008. after making necessary enquiries from the concerned office i.e. EC-VI section, DC(W), CPWD, Nirman Bhawan New Delhi. it is found that the representation which was forwarded to your office vide SE's office letter No: 9(30)/SCC/06/162 dated 12-02-07 was not received by the concerned office. It is not known my representation at all forwarded or not, because I did not get any information regarding this.

So you are requested to please forward my representation (checklist with necessary CRS 2000-01 to 2005-06) as early as possible so that my case may also be considered.

It is also my humble request to you please get me intimated, if possible, after forwarding my case so that I can also pursue the case at my level.

Anglo : 1) Letter reference above
2) Photocopy of checklist.

Yours Faithfully,



(Shri A. H. BISWAS)
Assistant Engineer,
Kohima Central Sub-Divn-I,
C.P.W.D., Lower
A.G. Colony
Kohima, Nagaland.

Dated: 16th July, 2008

Kohima

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68/3

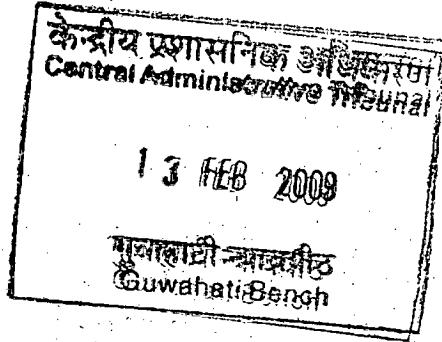
— 27 —
 Shri. 23 (1)

No.18/10/2004-Admn.
 Government of India
 Office of the Chief Engineer(NEZ)
 Central Public Works Department
 Dhankheti, Cleve Colony,

To

Dated 11/08/2008.

Shri A. H. Biswas,
 Assistant Engineer,
 Kohima Central Sub-Divn-I,
 CPWD, Lower A.G.Colony,
 Kohima, Nagaland.
 Quarter No: 28(Type-III).

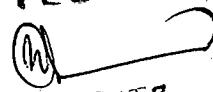


Sub:- Regarding 2nd ACP in respect of Shri A. H. Biswas, AE◎.

Please refer to your application dated "NIL" on the above subject. The application alongwith its necessary enclosures on the subject matter has already been sent to DG(W), New Delhi vide this office letter No: 18/10/2004-Admn dated 11.12.07. This is for your kind information.

F. R. Tariang
 (F. R. Tariang)
 Section Officer (Admn)

✓/C
11/08/08

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6 Mar Tariang
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To,

The Chief Engineer (NEZ),
 CPWD, Cleve's Colony,
 Khankhali, Shillong- 3.

Sub:-Regarding 2nd ACP in respect of Shri A.H.Biswas AE(C).
 Ref:-My letter No. Nil Dated 16/7/2008.

Respected Sir,

Please refer my earlier letter No.Nil dt. 16/7/08 regarding 2nd A.C.P. Sir, after making enquiring from the concerned authority i.e. EC-VI,CPWD, Nirman Bhawan, New Delhi again in this month it is found that my case/representation i.e. check list alongwith CAS from 2001-to 2006 not received by that office.

Sir, I am very much worried about grant of 2nd ACP benefit as it is almost 2½ years passed from due date i.e. 19.3.2006. At the same time I am incurring financial losses also.

So my humble request to you please take necessary action (i.e.forward my case to concerned authority) as early as possible so that my case may be considered.

Again my earnest request to you please send one copy of forwarding letter, if possible,so that I will also try my best.

Thanking You,

केन्द्रीय प्रशासनिक अधिकारात्मक
 Central Administrative Tribunals

13 AUG 2008

Yours faithfully,

(A.H. BISWAS)
 Assistant Engineer,
 Kohima Central Sub-Divn. I&II,
 CPWD, Lower A.G.Colony,
 Kohima, Nagaland.

Dated, The 15th Sept.2008.

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ADVOCATE

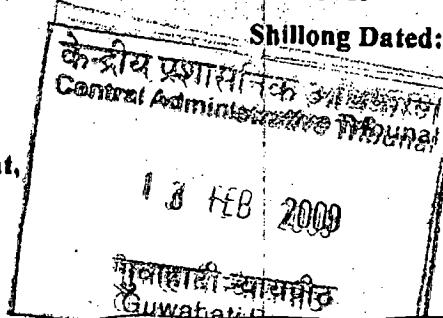
- 29 -
S. NO : 25(1)

NO: 18/10/2008-Admn.
 Government of India
 O/o the Chief Engineer (NEZ)
 Central Public Works Department
 Dhankheti, Cleve Colony
 (Phone no.0364-2220257 Fax no.0364-2228769

Kind Attention
to A. H. BISWAS
AE CPWD

Shillong Dated: 25/09/2008

The Director General (Works)
 Central Public Work Department,
 Nirman Bhawan,
 New Delhi - 110 011.



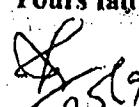
Subject: - Implementation for granting of 2nd ACP Scheme in respect of Shri A.H. Biswas, AE(C).

Sir,

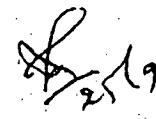
With reference to above subject the case of 1st ACP Scheme was sent by this office letter No: 18/10/2004-Admn. dated 11.12.07 (copy enclosed) but no action has been taken so far. This office again sending the check list under ACP Scheme duly filled in prescribed proforma in respect of Shri A.H. Biswas, AE(C) attached to the office of Khatkhati Central Division, CPWD, Khatkhati for further necessary action at your end please.

Enclo : Check list.

Yours faithfully,


 (Smt. F.R. Tariang)
 Section Officer (Admn)

Copy to : The Section Officer (CR Cell) Nirman Bhawan, New Delhi for information and further necessary action please.

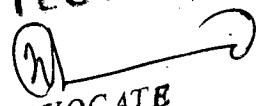

 Section Officer (Admn)

*Issued
Smt. F.R. Tariang
25/09/08*

1000

SO-ADMN-NEZ

14/11/2008 15:28 FAX

ATTESTED

 ADVOCATE