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**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH,**  
**JA BALPUR**

**Original Application No. 643 of 2005**

**Jabalpur this the 30<sup>th</sup> day of August, 2006.**

**Hon'ble Dr.G.C.Srivastava, Vice Chairman  
Hon'ble Shri A.K.Gaur, Judicial Member**

Shri Birjanand Sharma, s/o late Shri Gangasagar Sharma, aged about 61 years retired as turner high skilled grade II GCF Jabalpur r/o H.No.310 East Ghampur, Kanchghar, Jabalpur.

**-Applicant**

(By Advocate – Shri Bhoop Singh)

**V E R S U S**

1. The Union of India through its Secretary, Ministry of Defence Production, New Delhi.
2. The Chairman, Ordnance Factory Board, Kolkata, Ayog Bhawan, Sahid Khudiram Bose Marg, Kolkata.
3. The General Manager, Gun Carriage Factory, Jabalpur

**-Respondents**

(By Advocate – Shri A.P.Khare)

**O R D E R**

**By A.K.Gaur, JM.-**

By filing this Original Application, the applicant has sought the following main relief:-

“8(a)..direct the respondent that the petitioner be treated as turner grade B from the date of promotion in the year 1971 and give the pay difference of turner grade C to turner grade B and the petitioner be further be treated as turner high skilled grade-II in the year 1981 or thereafter & allow the same benefit/pay scale which is provided to the junior candidate & the pay difference be also paid to the petitioner.

(b) ..be directed the respondent that the pay scale which is given to the junior candidate as pay scale of Rs.5000/- to

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Rs.8000/- the same pay scale & salary pay difference be also paid to the petitioner & further the pay scale of turner grade-I be given to the petitioner with all the consequential benefit.

(c) ...be directed that the similar benefit/treatment be given to the petitioner which is extended to the junior candidate in pay scale arrears of salary & difference".

2. The brief facts of the case are that the applicant was appointed as labourer unskilled under the respondent no. 3 on 13.10.1962. Subsequently, he was promoted to the post of Turner Semi Skilled on 8.11.1971. He was re-designated to the post of Turner Skilled on 3.5.1981. He was further promoted to Highly Skilled Grade-II on 3.10.1997. Thus, in his career he has already availed the benefit of two promotions i.e. one from labourer unskilled to semiskilled (which was re-designated to skilled) and another from skilled to Highly skilled Grade-II.

3. The applicant has submitted that he had qualified the trade test in the year 1971 and was promoted on the post of Turner Grade-C and thereafter he had continuously served on the said post up to 1981 when he had appeared in the trade test for Turner Grade-B and was promoted as such. On the other hand, 71 candidates were appointed in the year 1972-73 as Turner Grade-II and they have been promoted as Turner Grade-B vide order dated 1.8.2001. The applicant has stated that those 71 individuals have been granted the pay scale of Rs.5000-8000 under the ACP Scheme whereas he is still working in the pay scale of Rs.4000-6000.

4. The respondents in their reply have stated that the applicant has compared himself with certain 71 other individuals, who were appointed directly as Turner Semiskilled. Subsequently, this grade was re-designated as Skilled grade. They were promoted to Highly Skilled-II. Thus, having been promoted only once in their career these individuals, with whom the applicant is comparing himself, were given the ACP-II benefit. The applicant having been

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appointed in the grade of Labourer Unskilled was promoted to the post of Turner Semi-skilled (which was re-designated as Skilled subsequently). He was further promoted to the post of Highly Skilled-II w.e.f. 3.10.1997. Thus he has already availed 2 promotional benefits in his career. In this regard, reliance has been placed to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, DOPT OM dated 9.8.1999 which gives the scheme of Assured Career Progression (for short 'ACP'). Clause 5.1 (annexure-1) of the said scheme stipulates that the scheme shall be applicable in the form of two financial upgradation only, if no regular promotion during the prescribed period of 12 and 24 years have been availed by an employee. If any employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service. The applicant having been promoted on earlier 2 occasions thus becomes ineligible for the benefit under the ACP Scheme. In addition to above, under condition no.8 of the above scheme, 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 had got higher pay scale under the ACP scheme. In view of the above, the applicant is not eligible for any stepping of pay in respect of his juniors and there exists no ground for agitating this issue also. Since the applicant having been already promoted on 2 earlier occasions, he is not covered by the ACP scheme and, therefore, he is ineligible to avail the ACP-II benefit. Thus, he cannot claim the pay scale of Rs.5000-8000 like other 71 employees.

5. Heard the learned counsel of parties and carefully perused the pleadings available on record.

6. It is an admitted fact that the applicant was appointed as Labourer in the year 1962, whereas the so called juniors were

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directly appointed as Turner (Semi Skilled) in 1971. The applicant was promoted as Turner Semi Skilled on 8.11.1971. Thereafter, the applicant was further promoted as Turner Highly Skilled Grade-II on 3.10.1997 and his juniors have also been promoted to the HS Grade-II on 3.10.1997. Thus, we find that the applicant has been granted two promotions one in 1971 from labourer to Semi-skilled grade and thereafter he was further promoted to HS Grade-II on 3.10.1997. He is, therefore, not entitled for further promotion under the ACP Scheme. Under the ACP scheme only two financial upgradations are permitted during the entire career of the Government servants. On the other hand so called juniors were appointed in the year 1971 as Semi Skilled and they have got only one promotion to HS grade-II, and therefore, so called juniors were eligible for second financial upgradation under the ACP scheme and were rightly granted the same vide order dated 1.8.2001. The contention of the applicant that since he is senior to the so-called juniors, his pay would be less than that of his juniors is not correct, as the so-called juniors have got higher scale of pay by virtue of ACP promotion for which the applicant is not entitled and, therefore, the submission of the applicant that he should also be granted the scale of Rs.5000-8000 is not tenable. In this view of the matter, we do not find any merit in this OA and the same is liable to be dismissed.

7. In the result, the OA is dismissed, however, without any order as to costs.

*A. K. Gaur*  
(A.K. Gaur)  
Judicial Member

*G. C. Srivastava*  
(Dr. G.C. Srivastava)  
Vice Chairman

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पूलांगन सं. ओ/ब्या..... जबलपुर, दि.....  
पलिहाड़ी दोर्दिया.....  
(1) रामेश, दोर्दिया..... जबलपुर  
(2) रामेश, दोर्दिया..... जबलपुर  
(3) रामेश, दोर्दिया..... जबलपुर  
(4) रामेश, दोर्दिया..... जबलपुर  
सूचना एवं आवश्यक दस्तावेज़ देते

B/loop Singly/02  
A. P. Kharal  
1/9/06

*Arvind Wasan*  
उत्तरांशहरा  
7/9/06

20/9/06