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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 651 of 2005

Indore, this the 28th day of July, 2006

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Dr. G.C. Srivastava, Vice Chairman

V. Karunakaran, S/o. P. Vengagounder,
aged 49 years, Dy. Works Engineer Grade-I,
Bank Note Press Dewas, r/o. 67A, Civil
Lines, Dewas.

... Applicant

(By Advocate - Shri D.M. Kulkarni)

V e r s u s

1. Union of India, through
Joint Secretary, Ministry of
Finance, Economic Affairs, Work
Department, Ministerial,
Finance Building, New Delhi.

2. General Manager,
Bank Note Press, Dewas.

3. Chief Engineer,
Bank Note Press, Dewas.

... Respondents

(By Advocate - Shri Umesh Gajankush)

O R D E R (Oral)

By Justice B. Panigrahi, Chairman -

The applicant has filed this Original Application for grant of A.C.P. scale of Rs. 6500-10,500/- on completion of 12 years of service with effect from 1.8.1999.

2. The applicant was appointed on 25.4.1977 on the post of Junior Engineer in Central Public Works Department. He applied for the post of Deputy Works Engineer in Bank Note Press, Dewas in the scale of pay of Rs. 500-800/- (pre-revised) now 5000-8000/- (revised after Vth Pay Commission) through his department Central Public Works Department. He was appointed accordingly as Deputy Works Engineer Grade-II. The applicant was granted the scale of pay of Rs. 5000-150-8000/-. According

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to the restructuring scheme dated 20.7.1999 the applicant was given the scale of pay of Rs. 5500-175-9000/-. Since the ACP benefit was not given to the applicant he has filed this case claiming such benefit.

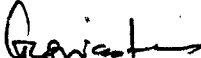
3. The respondents in their reply have stated that after restructuring benefit was extended to the applicant his pay scale was enhanced from Rs. 5000-8000/- to Rs. 5500-9000/-. Therefore, it is to be regarded as a promotional post. Thus the applicant cannot be given double promotion one ~~is~~ after restructuring benefit and the other under ACP scheme. They have also relied upon the letter issued by the Department of Personnel and Training dated 27th June, 2001.

4. After hearing the learned counsel for both the parties and on careful perusal of the pleadings as well as documents filed by both parties, we notice that undisputedly the applicant was given restructuring benefit in the scale of Rs. 5500-9000/-. Only thing that is to be considered is that whether that should be regarded as a promotional benefit or only redesignation of the post. If it is held to have been redesignated under a particular scheme it cannot be observed as a promotional post. While deciding so, we have been taken through Annexure A-2 in which the respondents have stated that pursuant to restructuring and redistribution of the post the Deputy Works Engineers have been granted higher scale of Rs. 5500-9000/-. Out of 20 posts, only 2 posts of Civil have been upgraded. Mr. Kulkarni learned counsel appearing for the applicant has submitted that the applicant has not been given any further benefit except his fitting of salary in the restructuring scale. In Annexure A-2 it has also been mentioned that the application of scales will be subject to appointment/framing of recruitment rules. Had the recruitment rules suggested that restructuring benefit shall be regarded as promotional post in that case the applicant's case could

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have been rejected, But on asking the respondents' counsel to produce recruitment rules, he was not in a position to place before us the said recruitment rules. Restructuring scheme is ~~is~~ only meant for redistribution of work, therefore, it cannot be said to be a promotional post. Even if such benefit has been given to the applicant, he shall not be precluded from ~~being~~ considering for grant of ACP scheme if he is otherwise eligible.

5. In view of the matter, we direct the respondent authorities to consider the case of the applicant for grant of ACP benefit, if he is otherwise eligible, within a period of four months from the date of receipt of a copy of this order. With the above direction, the Original Application is disposed of. No costs.


(Dr. G.C. Srivastava)
Vice Chairman

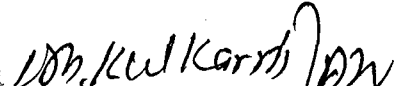
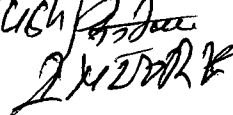

(B. Panigrahi)
Chairman


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पूरांकन सं ओ/न्या.....जबलपुर, दि.....
पसिलिपि अवधि:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) अतिरिक्त सचिव, उच्च न्यायालय, जबलपुर
- (3) प्रत्यक्षी, उच्च न्यायालय, जबलपुर
- (4) वरिष्ठ, के.ए.ए. न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु
उप-रजिस्ट्रार


B. Panigrahi



1-8-96