

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH, JABALPUR

OA 596/2003

Jabalpur, this the 27th day of July, 2004.

Coram

Mr.M.P.Singh, Vice Chairman
Mr.Madan Mohan, Judicial Member

Roshan Lal Gupta
S/o Imarat Lal Gupta
R/o Gorakhpur, Near Gurudwara
Jabalpur (M.P.)

Applicant

(By advocate Sh.Kumaresh Pathak)

Versus

1. Union of India through
The Secretary
Department of Railways
Rail Bhavan, New Delhi.
2. The Divisional Manager
Railway, Jabalpur (M.P.)
3. The Senior Divisional Engineer
Railway, Jabalpur.

Respondents

(By advocate Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Judicial Member

The applicant seeks the following reliefs:

- (1) Direct the respondents to grant the benefits of the ACP Scheme to the applicant by giving him higher pay scales twice and pay him difference of salary w.e.f. 1999. The respondents also be directed to fix the pension of the applicant by giving benefits of the ACP Scheme and pay the same accordingly.

The brief facts of the OA are as follows:

2. The applicant was appointed as Khalasi in the office of respondent No.3 in the year 1961 and he retired from the same post in the month of July 2000 without any promotion. The applicant worked for about 39 years in the post of Khalasi. The applicant came to know that his juniors were given promotion to the post of Fitter in the year 1993. The applicant made a representation on 17.5.99 (Annexure A1). The applicant is entitled for ACP promotion but it has not been given to him. Hence the OA has been filed.



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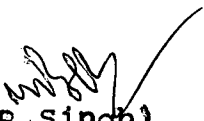
2. Heard the learned counsel for both parties. The learned counsel for the applicant argued that the applicant had completed 39 years of service and retired in the month of July 2000. He was ignorant of the ACP Scheme and when he came to know about it he made a representation on 17.5.99 and he also made a further representation on 27.6.2000 before his retirement praying for promotion but his representation was not considered by the respondents.

3. In reply, it was argued on behalf of the respondents that the applicant did not try to seek promotion. He was satisfied as Khalasi Labour which did not require passing of aptitude/trade test. Our attention is drawn towards the Railway Board's letter No.24/2002 dated 19.2.2002 about the ACP Scheme for the railway employees - clarifications regarding in which it is clearly mentioned that assessment includes passing of a trade test/skill test/written examination under ACPs and the employee had not qualified in such tests already, then it may not be possible to consider the retired persons, as assessment based on such tests is not possible after the date of superannuation.

4. After hearing the learned counsel for both parties and carefully perusing the records, we find that as the applicant has retired on 31.7.2000 on superannuation after completing 39 years, for the entitlement of the ACP scheme, he has to pass a written test/trade test as is clarified in the Railway Board's aforesaid letter dated 19.2.2002. As the applicant had already retired, no such test could be conducted by the respondents. Hence the applicant is not entitled for the reliefs sought.

5. The OA is dismissed.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman