

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

Original Application No.807/2003

Jabalpur, this the 16th day of December, 2003

Hon'ble Shri M. P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Tushar Kanti (T.K.) Ta
s/o Late Tarapada Ta, age 63 years
Retired as A.E. (Civil) from CPWD
from the office of CE (CZ)
CPWD, Bhopal
r/o Flat No.301, Kirti Block
Fine Residency
Gulmohar-3 Colony
Bhopal. M.P.

Applicant

(By Advocate: Shri Rajesh Patel)

Versus

1. Union of India through
the Director General, Works,
CPWD, Nirman Bhawan, New Delhi-11.
 2. The Chief Engineer (Central Zone)
CPWD, Nirman Sadan, 52-A
Area Hills, Behind Govt. Press
Area Hills, Bhopal-462 011(MP).
- Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought ~~XXXXXXXXXXXXXXXXXXXX~~^a direction to the respondents to grant him the financial benefits amounting to Rs. 1,28,172/- towards arrears accrued out of ACP Scheme with effect from 9th August, 1999, together with interest at the rate of 18% per annum. He has also sought further direction to revise his pension in accordance with the ACP Scheme and to pay^{him} enhanced pension.


2. The brief facts of the case are that the applicant joined as Junior Engineer on 20th August, 1974^{in C.P.W.D.} He was promoted to the post of Assistant Engineer (Civil) on 21.07.1999 and retired from service on 28.02.2001 after rendering 27 years of service. The applicant has^{not} been granted the benefit of ACP Scheme which has been introduced from 9th August, 1999 on the recommendation of the Vth


Central Pay Commission. The applicant has made several representations to grant him the benefit of the ACP Scheme. His representation has been forwarded by ~~XXX~~ respondent No. 2 to respondent No. 1 for consideration. It is stated in the representation that the applicant could not be considered by the DPC for grant of ACP benefit because his last 5 years CRs were not available. It is stated by the applicant that he was found fit for promotion to the post of Assistant Engineer on 21st July, 1999. Since the benefit of ACP Scheme as Executive Engineer after completion of 24 years is applicable and effective w.e.f. 09.08.1999, which falls merely 19 days after he got his promotion as Asstt. Engineer, he should not be considered to have become unfit for ACP in the grade of Executive Engineer in a matter of less than half a month. As the applicant has not been granted the benefit of ACP Scheme, he has filed this Original Application claiming the aforesaid relief.

3. Heard the learned counsel for the applicant.

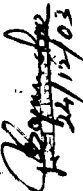
4. In the circumstances stated by the applicant we deem it appropriate to dispose of this Original Application at admission stage itself, even without issuing notice to the respondents, by directing the respondent No. 1 to decide the representation of the applicant forwarded to them by respondent No. 2 vide their letter dated 25.02.2002 by passing a speaking, reasoned and detailed order within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the OA stands disposed of.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

M.R. Bhargava
Advocate
103, Siddarth Apartment,
Cuddalore Bridge
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68-13, Kallurba Nagar, Bhopal-23


24/12/02

24.12.02
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