

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 533 of 2001

Jabalpur, this the 11th day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Dr. P.C. Bansode, aged about
57 years, S/o. late M.B. Bansode,
Agricultural Technologist & Officer
Incharge, Indian Grain Storage
Management and Research Institute,
Field Station, Jabalpur.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

Union of India,
Through : The Secretary,
Ministry of Consumer Affairs
& Public Distribution, Department
of Food & Public Distribution,
Krishi Bhawan, New Delhi-110 001.

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main relief :

"a) direct the respondents to grant benefits under ACP Scheme circulated under Deptt. of Personnel and Training OM dt. 9th Aug. 99 Annexure A-2 immediately with all consequential benefits."

2. The brief facts of the case are that the applicant is working as Agricultural Technologist Grade-A Senior Scale since 14th September, 1981. He is due to retire on super-annuation in June, 2004. During his 23 years of service the applicant has not got even a single promotion to the higher grade. The applicant by filing this OA has therefore prayed for direction to the respondents to grant him atleast one promotion during his entire career. The applicant has



earlier filed an Original Application No. 332/2001, which was decided by the Tribunal vide order dated 23rd May, 2001 directing the respondents to consider the representation of the applicant. The respondents after considering the representation of the applicant rejected the same. It is in pursuance of this order the applicant has filed this OA claiming the aforesaid relief.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The main grievance of the applicant is that during last 23 years of his service he has not been granted even a single promotion. Even the Vth Pay Commission has recommended to grant two minimum promotions in the entire service of a Government servant i.e. one after completion of 12 years of service and the other after completion of 24 years of service. The Government after accepting this recommendation has introduced the scheme of ACP from 9.8.1999. He has therefore requested that at least he should be considered for that promotion after completion of 12 years of service.

5. On the other hand the learned counsel for the respondents has stated that the ACP scheme is not applicable in the case of the applicant, as the ACP scheme is applicable to only isolated Group-A posts. After the appointment of the applicant the recruitment rules have been amended in the year 1993. Now the applicant is eligible for next higher promotion of Deputy Commissioner (S&R) and therefore the post held by the applicant cannot be treated as isolated. According to the learned counsel for the respondents, the applicant is in the feeder grade ~~and~~ for promotion to the post of Deputy Commissioner (S&R). His name has already been

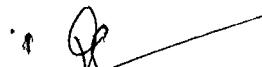
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and included in the eligibility list for promotion/as and when the turn comes, he will be considered for promotion to the post of Deputy Commissioner (S&R).

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the applicant was appointed as Agricultural Technologist i.e. a Group-A Senior Scale post in the pay scale of Rs. 10,000-15,200/- on 14.9.1981. He has not been granted a single promotion during his 23 years of service. After the appointment of the applicant, the recruitment rules in the year 1993 have been amended and this post held by the applicant now cannot be treated as an isolated Grade-A post, as there are promotional avenues to the applicant to the post of Deputy Commissioner (S&R). However the applicant will not be able to get any benefit of the higher post as he is going to retire very shortly i.e. at the end of June, 2004. It appears to be a very hard case, where a person after putting in more than 23 years of service is not granted even a single promotion. The Hon'ble Supreme Court in number of judgments has impressed upon the Government to grant at least two promotions to the Government servant in his entire service career. It is on that basis the Pay Commission has recommended for two promotions to the Government servants i.e. one after completion of 12 years of service and the second after completion of 24 years of service. On the recommendation of the Pay Commission the Government has introduced the ACP scheme on 9.8.1999. But unfortunately the applicant cannot be granted this benefit of ACP scheme because it appears that he will be retiring on superannuation at the end of June, 2004.

7. However, we hope and trust that the Government will find some way out to consider the applicant for his next higher promotion/financial upgradation and grant him the same before he retires at the end of June, 2004.

8. With the above observation, the Original Application stands disposed of accordingly. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

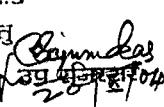
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पृष्ठांकन सं. ओ/न्या..... जवलपुर, दि.....
घटिनिधि दरबारी १८८८

- (1) सत्तिल, राज व्याद-रा. १८८८, जवलपुर
- (2) शार्दूल दरबारी, जवलपुर, देश काहंसल
- (3) अर्चरी दी/री. १८८८, जवलपुर, देश काहंसल
- (4) कंपन्याल, देश दरबारी, जवलपुर, देश

S/L Nagpal

B. dasilva


Raymukar
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