

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 688 of 2002

Jabalpur, this the 3rd day of September, 2004

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

S.K. Shrivastava, son of Shri O.P.
Shrivastava, aged 45 years, Occupation
Chemical and Metturgical Assistant,
Central Railway, resident of Nayagaon,
Lakhera, Katni.

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India, through the Secretary, Ministry of Railway, New Delhi. 100001.
2. The General Manager, Central Railway, Head Quarters Office, Mumbai C.S.T., Mumbai.
3. The Divisional Railway Manager, Jabalpur Division, Central Railway, Jabalpur.

RESPONDENTS

(By Advocate - Shri H.B. Shrivastava)

ORDER

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the following main reliefs :-

(i) The respondents be commanded to grant financial upgradation in accordance with the Assured Career Progression Scheme.

(ii) The respondents be restrained from holding written exam for upgradation of the applicant under the ACP scheme as the said condition is arbitrary, capricious and is against the policy of the said scheme.

(2) The case of the applicant be considered from Oct, 99 for grant of financial upgradation under the ACP Scheme!"

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2. The brief facts of the OA are as follows:

The applicant was posted as Chemical and Metallurgical Assistant in New Katni Junction of Central Railway and serving since 1995 and has completed more than 12 years of service in the same grade. The applicant made a representation dated 14.8.02 for financial upgradation as per ACP Scheme. The ACP Scheme has been introduced by the respondents under the recommendations of the 5th Central Pay Commission and the purpose is to have a 'safety net' to deal with the problem of genuine stagnation and hardship faced by employees due to lack of adequate promotional avenues. Under the ACP Scheme, an employee gets financial upgradation after completion of 12 years of service in one particular grade. The applicant has completed more than 12 years of service in the same grade. Hence the applicant is eligible and entitled to get the benefit.

3. None appears for the applicant. Hence this OA is disposed of by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. In reply, the learned counsel for the respondents argued that according to Railway Board's letter dated 11.5.2000 (R-2), a railway employee shall be entitled to two financial upgradation in group 'B', 'C' & 'D' on completion of 12 years and 24 years of regular service only if no regular promotions during the prescribed period have been availed by the employee, from the grade in which he was appointed as a direct recruit. The scheme further requires fulfilment of normal promotion norms prescribed such as bench mark, trade test, departmental examination etc. The next higher grade is a selection post and passing of written test and viva-voce by an incumbent is necessary to get financial upgradation, as laid down a pre-condition in the scheme itself. The applicant was called for written test scheduled for 22.10.02 followed by supplementary on 4.12.2002 and the applicant appeared in the

supplementary examination. The written test had to be cancelled due to administrative reasons and the same was held on 15.1.2003 and the applicant had appeared in that along-with others. Hence the applicant cannot be considered for the benefit under the ACP Scheme.

5. None appeared for the applicant. Hence, this OA is disposed of by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987.

6. We have heard the learned counsel for the respondents and we find that as per the Railway Board's letter dated 11.5.2000 (Annexure R-2), written test and viva voce were necessary to get financial upgradation and hence the applicant was directed to appear in both. The earlier written test was cancelled due to administrative reasons. The applicant had appeared in the written test held on 15.1.2003. In the said written test the applicant was not found suitable and hence his name was not placed in the panel and was not promoted. Thus, we find that the applicant has been considered for promotion and for which he had appeared in the written test which is mandatory for granting financial upgradation. But as he failed in the written test he could not be granted the financial upgradation. As we have already mentioned above that as per letter dated 11.5.2000, until and unless the candidate qualifies in the written test he could not be granted the financial upgradation.

7. Hence, we find that the applicant has failed to prove his case and this original Application is liable to be dismissed as having no merits. Accordingly, the original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

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(M.P. Singh)
Vice Chairman