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CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE
O.A. NO.394/2000

This the 4th day of September, 2003.

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

HON'BLE SHRI J. K. KAUSHIK, MEMBER (J)

Manohar Vaze S/O Shankar Vaze,
Cashier, CAT, 40 Narmada Nagar,
Abhinav Apartment,
Annapurna Road, Indore.

... Applicant

(By Shri D. M. Kulkarni, Advocate)

-Versus-

1. Union of India through
Secretary, Department of
Atomic Energy, Anushakti Bhawan,
Chatrapati Shivaji Marg,
Mumbai.

2. Director, Centre for Advanced
Technology, Indore,

3. Chief Administrative Officer,
Centre for Advanced Technology,
Indore.

... Respondents

(By Shri Vivek Saran, Advocate)

ORDER (ORAL)

Hon'ble Shri V. K. Majotra, Member (A) :

Applicant has sought the following reliefs :

"1. The respondents may be asked to revise
the pay scale of applicant from
Rs.4500-125-7000 to Rs.5000-150-8000
w.e.f. 1.1.96 as done in other
corresponding grades by the respondents.

2. He may be placed under next hierarchy
of Rs.5500-175-9000 instead of
Rs.5000-8000 under the Assured
Career Progression Scheme introduced
for Central Govt. employees w.e.f.
9.8.1999.

3. It may be held that the applicant is
entitled to Cash Allowance of Rs.300/-
P.M. from 1.8.1997 as stipulated under
O.M. dated 5.5.1998.

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4. It may be held that the applicant is entitled to arrears of salary and allowances with interest at the current market rate till payment is made to him.

5. Any other relief as deemed proper to be awarded and costs of application be granted."

2. At the outset, on being pointed out that multiple reliefs have been claimed in this O.A., the learned counsel of applicant prayed that only relief No.2, i.e., financial upgradation in the grade of Rs.5500-175-9000 instead of Rs.5000-8000 under the Assured Career Progression (ACP) Scheme may be granted to him w.e.f. 9.8.1998, however, applicant may be granted liberty to agitate the other reliefs separately as per law. As such, applicant shall have liberty as prayed and we will address ourselves to relief in respect of grant of financial upgradation in the grade of Rs.5500-9000.

3. The learned counsel of applicant stated that applicant had been appointed on 10.6.1973 in Heavy Water Project on the post of UDC. On his promotion on the post of Cashier from 31.5.1985 he was placed in the grade of Rs.1400-2300 under respondent No.2. He was granted scale of Rs.4500-125-7000 (S-8) w.e.f. 1.1.1998 on implementation of the recommendations of the Fifth Central Pay Commission read with C.C.S. (Revised Pay) Rules, 1997. He pointed out that while other similar categories such as Senior Clerk, Accounts Assistant, Welfare Assistant, Publicity Assistant, Store Keeper, etc. who were also in the grade of Rs.1400-2300, like applicant as Cashier, under respondents and all of them, along with the post

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of Cashier were placed in the scale of Rs.4500-7000 w.e.f. 1.1.1996, subsequently while the post of Cashier was left-out, the other similar posts as stated above, were granted S-9 grade, i.e., Rs.5000-8000 revising their existing S-8 grade (Rs.4500-7000). The learned counsel contended that the next post in the hierarchy in respect of the post of Cashier is that of Assistant Accountant (Scale Rs.5500-9000). Applicant has claimed that he should have been granted financial upgradation in the scale of Rs.5500-9000, i.e., the scale for the next hierarchical post of Assistant Accountant with reference to the post of Cashier.

4. The learned counsel of respondents contended that the post of Cashier has been treated by the department as an isolated post as such the scale of pay of Senior Clerk, Accounts Assistant and Welfare Assistant which, like the post of Cashier, had the scale of Rs.4500-7000 was revised to Rs.5000-8000 leaving out the post of Cashier for revision to Rs.5000-8000. Applicant's representation in this regard was rejected in view of the post of Cashier having been treated as an isolated post. The learned counsel pointed out that there are no avenues of promotion for Cashier to the next higher grade. Although respondents have admitted that in terms of the ACP Scheme promulgated vide DOP&T O.M. dated 9.8.1999 (Annexure A-1), financial upgradation is extended to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new post for the purpose, as there are no avenues of promotion for Cashier to any higher grade in the existing hierarchy, financial upgradation to the scale of Rs.5500-9000 cannot be granted and as such, applicant has been accommodated by financial

5. Applicant has been accorded financial upgradation under the ACP scheme in the scale of Rs.5000-8000 (S-9) w.e.f. 9.8.1999 (Annexure R-4 dated 6.10.1999). In response to applicant's representation dated 30.9.1999 for appointment to the post of Assistant Accountant and revision of the pay scale of Cashier, respondents have conveyed to applicant through Annexure A-3 dated 10.2.2000 as follows :

- "1. Shri Vaze, was considered for appointment as Assistant Accountant in 1993 on the basis of seniority-cum-fitness. However, he did not respond to the offer made to him and chose to continue in the grade of Cashier. Since there was no vacant post of Assistant Accountant his request for appointing him to the post of Assistant Accountant could not be considered in 1997. Further his belated request for appointment as Assistant Accountant could not be considered due to want of vacant post in CAT.
2. The post of Cashier cannot be upgraded as the posts have already been declared as a wasting cadre.
3. Shri Vaze's case has been considered for financial upgradation to Rs.5000-150-8000 under the Assured Career Progression Scheme."

It is clear from this that the channel of promotion for the post of Cashier is to the post of Assistant Accountant. Applicant was considered for promotion to the post of Assistant Accountant in 1993 but since he chose to remain in the grade of Cashier, he was denied such promotion. Next time in 1997, his request for appointment on the post of Assistant Accountant could not be considered as there was no vacant post of Assistant Accountant. On the basis of Annexure A-3, it can be concluded that in the existing hierarchy of the department, the next higher post vis-a-vis the post of Cashier is that of Assistant Accountant.

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It is immaterial for purpose of granting financial upgradation under the ACP Scheme whether the next hierarchical post is vacant or not. Vide Annexure A-6 dated 20.7.1999 which contains clarifications on various doubts on the ACP Scheme, it is clear that the next hierarchical post of Assistant Accountant carries the scale of Rs.5500-9000. As the next hierarchical post for the post of Cashier with the respondents is that of Assistant Accountant which carries the scale of Rs.5500-9000, respondents have no alternative except to grant applicant as Cashier financial upgradation in the scale of Rs.5500-9000.

6. Having regard to the facts and circumstances of the case, the O.A. is allowed directing respondents to place applicant in the scale of Rs.5500-9000 (S-10) w.e.f. 9.8.1999 in terms of the ACP Scheme. Respondents are directed to issue relevant orders in this regard within a period of two months from the date of communication of these orders. They shall also grant applicant consequential benefits. No costs.

J. K. Kaushik
(J. K. Kaushik)
Member (J)

/əs/

V.K. Majotra
(V. K. Majotra)
Member (A)

For circle sharing

Austin

पृष्ठांकन दें और/वा	जबलपुर, दि
प्रतीक्षित अवैशिष्ट्य	
(1) यहाँ, उन्नास वाली दाढ़ एवं निरुपात, जबलपुर	दें याउंसल
(2) उन्नास वाली दाढ़ एवं	दें याउंसल
(3) यहाँ, उन्नास वाली दाढ़ एवं	दें याउंसल
(4) यहाँ, उन्नास वाली दाढ़ एवं यालानु दाढ़ एवं	रायगढ़ा एवं याउंसल कार्यालयी दें

Dr. Kullen ^{Adm.} ~~Indole~~
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Dr. K. V. Shome ^{Adm.} ~~Indole~~

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