

(9) 1  
OA No. 67/2006.

25.04.2007.

Mr. C. B. Sharma counsel for the applicant.  
Mr. Anupam Agarwal counsel for the respondents.

Rejoinder not  
filed  
This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Division Bench on 16.07.2007.

  
(GURMIT SINGH)  
DEPUTY REGISTRAR

P.C./  
OA No. 67/2006.

16.07.2007.

Mr. C. B. Sharma counsel for the applicant.  
Mr. Anupam Agarwal counsel for the respondents.

On the request of Learned Counsel for the respondents, the case be listed on 24.07.2007.

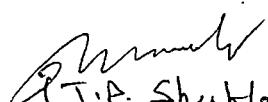
  
(J. P. SHUKLA)  
ADMINISTRATIVE MEMBER

  
(KULDIP SINGH)  
VICE CHAIRMAN

P.C./

24.7.07  
Mr. C. B. Sharma, Counsel for applicant  
Mr. Anupam Agarwal, Counsel for respondents

Heard. The OA is disposed of by a separate order.

  
(J.P. Shukla)  
M(A)

  
(Kuldip Singh)  
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

*Jaipur, the 24th day of July, 2007*

**ORIGINAL APPLICATION NO.67/2006**

CORAM :

HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN  
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

S.B.Gill,  
Senior Peon,  
O/o D.C. Pay Department,  
North Western Railway,  
Jaipur Division,  
Jaipur.

By Advocate : Shri C.B.Sharma

... Applicant

Versus

1. Union of India through  
General Manager,  
North Western Zone,  
North Western Railway,  
Jaipur.
2. Assistant Chief Cashier,  
North Western Zone,  
North Western Railway,  
Jaipur.
3. Senior Divisional Finance Manager,  
North Western Railway,  
Jaipur Division,  
Jaipur.

By Advocate : Shri Anupam Agarwal

... Respondents

**ORDER (ORAL)**

PER HON'BLE MR.J.P.SHUKLA

*gmaul*  
The applicant has filed this OA u/s 19 of  
the Administrative Tribunals Act, 1985, praying  
for grant of next higher scale of Rs.2750-4400  
on completion of 24 years of service under the  
Assured Career Progression (ACP) Scheme.

2. Learned counsel for the applicant submitted that the Government of India promulgated the ACP Scheme to avoid stagnation and hardship faced by the employees due to lack of adequate promotional avenues and has alleged the action of the respondents in not allowing the next higher scale to the applicant under the ACP Scheme even after completion of 24 years qualifying service as arbitrary, illegal and unjustified.

3. The respondents have contested the OA and it was submitted that the applicant was appointed as project casual labour w.e.f. 12.2.76 and was granted temporary status w.e.f. 1.1.82. His services were regularized w.e.f. 5.7.93. For granting IIInd financial upgradation under the ACP Scheme one has to complete 24 years of qualifying service i.e. 50% temporary status service + 100% regular service. Since the applicant was granted temporary status w.e.f. 1.1.82 hence 50% of his temporary status service till 5.7.93 plus 100% regular service would make him eligible for grant of IIInd financial upgradation under the ACP Scheme. As such, the applicant would be entitled for the grant of IIInd financial upgradation under the ACP Scheme only in the year 2011. In support, learned counsel for the respondents also produced a copy of the Railway Board's circular dated 31.3.2004 on the subject; Financial Upgradation under the ACP Scheme - clarifications regarding, relevant portion of which is reads as under :

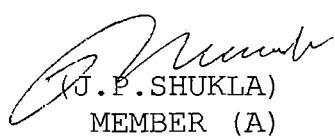
*Answer*

"3. The matter has been examined and it has been decided that 50% of temporary status casual labour service on absorption in regular employment may be taken in to account towards the minimum service of 12/24 years for the grant of benefit under the ACP Scheme on the analogy that the same is also reckoned as qualifying service for pension."

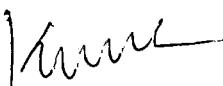
In view of the above, learned counsel for the respondents contended that the applicant is not at all entitled to the relief prayed for by him and the present OA deserves dismissal.

4. Heard the learned counsel for the parties and perused the documents placed on record. In view of the contention made by the learned counsel for the respondents and the provisions contained in the Railway Board's circular dated 31.3.2004, referred to above, it is observed that the action of the respondents is not in contravention of any rule and there is no merit in the present case and the OA deserves to be dismissed.

5. Accordingly, the OA stands dismissed with no order as to costs.



(J.P. SHUKLA)  
MEMBER (A)



(KULDIP SINGH)  
VICE CHAIRMAN

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