

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 30th day of August, 2011

ORIGINAL APPLICATION NO. 392/2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Gur Dayal Khatri son of Late Shri H.R. Khatri, aged 59 years, resident of Shop No. 50, Sector 9, Shopping Centre, Madhyam Marg, Mansarovar, Jaipur. At present posted as UDC at Kendriya Vidhyalaya No. 5, 1st Shift at Jaipur.

.....Applicant

(By Advocate: Mr. Nitin Jain)

VERSUS

1. Commisioner, Kendriya Vidhyala Sangathan, 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi.
2. Joint Commissioner, Kendriya Vidhyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.
3. Assistant Commissioner, Kendriya Vidhyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

.....Respondents

(By Advocates: -----)

ORDER (ORAL)

The present OA is filed against the impugned order dated 04.08.2011 (Annexure A/1) whereby the benefit of second financial upgradation under the Assured Career Progression Scheme granted to the applicant vide order dated 05.06.2008 has been withdrawn. Learned counsel for the applicant has drawn our attention towards Modified Assured Career Progression Scheme (MACPS), sub clause (xii) of Para 4 of it under the heading ' Conditions for grant of benefits', reads as under:-

"If an employee after availing the financial upgradation under the MACPS subsequently refuses to accept the regular promotion, the financial upgradation already granted will not be



withdrawn. However, the subsequent financial upgradation will get postponed."

2. Having consider the submission made and upon perusal of Sub clause (xii) of Para 4 of Modified Assured Career Progression Scheme (MACPS), we are of the view that the applicant should first approach the respondents raising all sorts of objections which are raised in the present OA alongwith relevant rules, which has been referred before us, by filing a representation. If the representation is filed by the applicant, in that eventuality, the respondents are directed to consider the same in view of the scheme, more particularly, Sub clause (xii) of Para 4 of Modified Assured Career Progression Scheme (MACPS) and shall pass a reasoned & speaking order in accordance with the provisions of law. It is expected from the respondents to decide the same expeditiously but in any case not later than a period of two months from the date of receipt of the representation from the applicant. The applicant is at liberty to file substantive OA, if any prejudicial order is passed against him.

3. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K.S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ