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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 28.04.2015

**ORIGINAL APPLICATION NO. 060/00796/2014
Chandigarh, this the 30th day of April, 2015**

...

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

...

Brij Kishore son of Uma Kant Upadhyaya, aged 57 years, presently working as Tax Assistant in the office of Chief Commissioner of Income Tax, North-Western Region, C.R. Building, Sector 17-E, Chandigarh-160017.

...APPLICANT

BY ADVOCATE: SHRI JAGDEEP JASWAL

VERSUS

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, North-Western Region, C.R. Building, Sector 17-E, Chandigarh 160017.

...RESPONDENTS

REPRESENTED BY NONE

Pw

ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant had joined as a Peon on 05.03.1980 and was promoted as an LDC on 23.08.1995. He claims second financial upgradation under the ACPS dated 09.08.1999 (Annexure A-2) w.e.f. 05.03.2004 on completion of 24 years of service and third financial upgradation under the MACPS dated 19.05.2009 (Annexure A-6) w.e.f. 05.03.2010 on completion of 30 years of service. His second promotion as a Tax Assistant on 11.03.2011, being beyond 30 years of service, would have no bearing on the said claims.

2. The case was taken up for hearing, invoking rule 16 of the CAT (Procedure) Rules 1987.

3. We have heard the learned counsel for the applicant, perused the pleadings and given our thoughtful consideration to the matter.

4. It appears that the claims of the applicant were not duly considered as per the ACPS and the MACPS. The plea made in the written statement that "the applicant had only applied for Modified

Assured Career Progression Scheme not ACP" is flimsy. The applicant's legal notice dated 12.06.2014 (Annexure A-6) has also not been given due attention.

5. In the light of the above, we are of the view that the impugned communication dated 12.08.2014 (Annexure A-1) is not sustainable and the same is, therefore, set aside. The respondents are directed to conscientiously reconsider the claims of the applicant as per the law. The exercise shall be completed within one month from the date of receipt of a copy of this Order.

6. The O.A. is disposed of in the above terms. No order as to costs.

**(DR. BRAHM A. AGRAWAL)
MEMBER(J)**

**(RAJWANT SANDHU)
MEMBER(A)**

**Dated: 30 .04.2015
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