FORM NO. 4
(*See Rule 42*)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Contempt APPLICATION NO. 26/99 OF 199
OA.284/96

Applicant(s) Romel Hida Barua and ors.

Respondent(s) Lt. Gen. A.N. Sinha.

Advocate for Applicant(s) Mr. M. Chanda, Mr. K. Bhattacharyya
Mrs. U. Datta.

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
The learned applicant advocate has filed this Contempt petition regarding non implementation of Judgment and order dt. 18.12.96 passed in OA 284/96. Laid before Hon'ble Court for further orders. 25/8/99 Section Officer	26.8.99	Issue notice to Contmpt Petitioner No.1 as to why Contempt Proceeding shall not be drawan against him. Returnable on 28.9.99. List on 28.9.99. Member Vice-Chairman
	trd 27/8/99	
	28-9-99	Service report awaited. Fix after 2 weeks. List on 14-10-99 for order. Mr.Pathak Addl.C.G.S.C. submits that service on the alleged contemners have been served and prays for two weeks time to file objection. Member Vice-Chairman
	lm	
	*	

Notes of the Registry	Date	Order of the Tribunal
30.8.99 Service of notice prepared and sent to D. Section for issuing of the same to the contemner No-1, Through Regd. post with A/D. Vide D.No-3769 dt-2-9-99. 27-9-99 Service Reports are still awaited. 13-10-99 1) Service Reports are still awaited. 2) No-objection has been filed. 13/10 16-11-99 1) Service Reports are still awaited. 2) No Reply has been filed. 16/11 26-11-99 Affidavit Statement has been filed by Contemner No. 1, 2, 3, 4, 5, 6. 3-12-99 W/ statement has been filed on behalf No 1-6. 12.1.2000 31/12 Copy of the order has been sent to the Office for issuing the same to parties.	14.10.99 pg 17-11-99 lm 6.12.99 pg 23.12.99 pg 27/12/99	Two weeks time allowed for filing of reply to the show cause on the prayer of Mr B.S.Basumatary, learned counsel for the alleged contemner. List on 17.11.99 for order. Member Vice-Chairman On the prayer of Mr.B.S.Basumatary, learned Addl.C.G.S.C. ~~two weeks~~ case is adjourned to 6.12.99. Member Vice-Chairman Two weeks time allowed on the prayer of Mr M.Chanda, learned counsel for the petitioner for filing rejoinder to the show cause reply. List on ~~24x2x2000~~ 23.12.99 for order. Vice-Chairman Mr M.Chanda, learned counsel for the petitioner submits that the contemners have complied with the directions. In view of the above we find no ground to proceed with this contempt petition. Contempt petition is closed. Member Vice-Chairman

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

filed by the Applicant through K. Bhattacharya Advocate

Contempt Petition No. 26 /99

in

Original Application No.284 of 1996

Shri Durgesh Das & Ors.

-versus-

Union of India & Ors.

-AND-

In the matter of :

An application under section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a Contempt Proceeding against the alleged contemners for wilful non-compliance of the order of the Hon'ble Tribunal dated 18.12.1996 passed in O.A. No. 284 of 1996.

-AND-

In the matter of :

Sri Romel Huda Baruah & Ors.
S/o late Samsul Huda Baruah
Office of the Garrison Engineer,
Air Force, Govt. of India, Ministry
of Defence, Tezpur

...Petitioner

-versus-

Contd...

1. Lt General A.N.Sinha
   Engineer in Chief Branch,
   Army Headquarter, Kashmir House,
   New Delhi.

2. Brig. D.S.Thakral
   Chief Engineer, Air Force,
   Shillong Zone,
   Shillong.

3. Maj. R.B.Singh,
   Garrison Engineer,
   Air Force, Tezpur.

4. Col. S.S.Kelkar
   Commander Work Engineer,
   Tezpur.

5. Maj. Ashokan,
   Garrison Engineer,
   Tezpur.

6. Maj. Sital Singh,
   Garrison Engineer,
   Misamari.

.... Contemners

The humble petition of the above named petitioner MOST RESPECTFULLY SHEWETH :

1. That your applicant being high highly aggrieved for non-consideration of promotion approached this Hon'ble Tribunal through O.A. No. 284 of 1996. The said Original

Contd...

Application was disposed of at the admission stage by the Hon'ble Tribunal with a direction to the respondents to dispose of the representation of the applicant within 3 months from the date of receipt of the Hon'ble Tribunal's order dated 18.12.1996 relating to the applicants promotion to the next higher grade namely Superintendent BR/Grade II with retrospective effect or to place them in higher pay scale to Grade II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view in the decision of the Central Administrative Tribunal, Bangalore Bench in O.A. No. 1337/94 and also in terms of other similar judgement and orders dated 31.3.95, 15.6.96 passed in O.A. 1364 to 1375/94, O.A. No. 1338/94, O.A. No. 1376-1382/94 and O.A. No. 534/95, O.A. No. 1079 to 1086/95 and O.A. Nos. 1389 to 1393/95 passed by the Bangalore Bench.of the Central Administrative Tribunal. Although the Hon'ble Tribunal was pleased to direct the respondents to consider the case of promotion of the applicants in the light of the Judgement and direction passed in the aforesaid Original Application by the Bangalore Bench of the Central Administrative Tribunal and this Hon'ble Tribunal felt that the representation of the applicants should be disposed of within a period of 3 months but surprisingly although representation were duly received by the alleged contemners but no action was initiated for taking any decision of their pending grievances for promotion by the alleged contemners in spite of the Hon'ble Tribunal's order dated 18.12.1996 passed in O.A. No. 284 of 1996. Therefore it is a clear wilful and deliberate disregard to the order of the Hon'ble Tribunal dt. 18.12.96

Contd...

passed in O.A. No. 284 of 1996 therefore they are liable for contempt of court and the Hon'ble Tribunal be pleased to initiate contempt proceeding against the alleged contemners and further be pleased to impose punishment in accordance with law.

Copy of the order dated 18.12.96 is annexed hereto and the same is marked as Annexure-1.

2. That immediately after pronouncement of the order dated 18.12.96 referred above the applicants brought the same to the notice of the respondents particularly to the Engineer in Chief, Kashmir House, New Delhi for implementation of the said order vide representation dt. 26.12.1996. However the order of the Hon'ble Tribunal was also brought to the notice of the Works Engineer by the Chief Engineer vide his letter bearing No.70222/ Legal/9/E1 dated 12.4.97 wherein it is interalia requested to pray for extension of time to implement the order of the Hon'ble Tribunal dt. 18.12.96. However it appears that the O.A. No. was wrongly written in the said letter dated 12.4.97, 34 of 1996 instead of 284 of 1996. But thereafter no action was initiated by the alleged contemners for implementation of the order. The Chief Engineer vide his letter bearing No. 70222/Legal/14/E1 dated 26.6.97 brought the same to the notice of the Headquarter, Chief Engineer, Eastern Command, Fort William, Calcutta with the request to bring the same to the higher authority. Again the Chief Engineer vide his letter dated 4.7.97 issued under No. 131515/RS.DAS/7/ Engrs/EIC(2) requested the Engineer in Chief, New Delhi

interalia requesting him to communicate decision for implementation of the order of the Hon'ble Tribunal dated 18.12.96. Thereafter applicants submitted their representation vide their letter dated 26.9.97 addressed to the Engineer in Chief New Delhi through proper channel for implementation of the order dated 18.12.1996. But finding no response the applicant again issued a Lawyer Notice on 20.7.98 interalia requesting for implementation of the Hon'ble Tribunal's order dated 18.12.96. It is also stated in the said notice that failing which the applicants will approach to appropriate forum with a contempt petition. But in spite of the said lawyer notice no decision has been communicated from the higher authorities regarding the implementation of the order dated 18.12.1996 passed in O.A. No. 284 of 1996. However the Garrison Engineer, vide his letter No. 1615/AF/CAT/91/EIC dated 15.9.98 informed that with reference to the notice dated 20.7.98 that the order of the Hon'ble Tribunal dated 18.12.1996 has not been received in the office of the Garrison Engineer, Air Force, Tezpur and requested to forward a copy of the same for further necessary action. But the statement made therein in the letter dated 15.9.98 is false, misleading otherwise a number of correspondences which is stated in earlier paragraphs have not been made by the alleged contemners had they ~~are~~ not received the copy of the order dated 18.12.1996 of the Hon'ble Tribunal. It is relevant to mention here that thereafter they have preferred a Misc. Petition No. 259/98 in O.A. No. 284/96 wherein the alleged contemners/respondents have stated that they have taken up the matter with the higher autho-

Contd...

rities to implement the order of the Hon'ble Tribunal dated 18.12.96 and the same is under process and likely to take some more time for implementation of the order of the Hon'ble Tribunal dated 18.12.1996. However, after hearing the counsel for the petitioners the Hon'ble Tribunal was pleased to grant 2 months time for implementation of the order dated 18.12.96 of the Hon'ble Tribunal again vide order dated 1-12-98. But surprisingly the said two months period have already elapsed but the respondents did not take any initiation for implementation of the order dated 18.12.96 passed in O.A. 284/96, therefore the same ~~is~~ is wilful violation and disregard to the Hon'ble Tribunal and the alleged contemners are liable for contempt of court. Therefore Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemners for wilful and total disregard to the Hon'ble Tribunal's order dated 18.12.1996 and the order passed in M.P. No. 259/98 dated 1.12.98 and further be pleased to impose punishment upon the alleged contemners in accordance with law.

2. Copies of the letter dated 12.4.97,26.6.97, 4.7.97, representation dated 26.9.97, Lawyer Notice dt. 20.7.98, letter dated 20.7.98, and Hon'ble Tribunal's order dt passed in M.P. No. 259/98 are annexed hereto and the same are marked as Annexures- 2,3,4,5,6,7 & 8 respectively.

3. That this application is made bonafide and for the ends of justice.

Under the facts and circumstances stated above, it is thus prayed that Your Lordships would be pleased to initiate a contempt

Contd...

proceeding against the alleged contemn-ers for wilful violation of the Order of the Hon'ble Tribunal dated 18.12.96 passed in O.A. No. 284/96 and order dt. 1/12/98 passed in M.P. No. 259/98 (O.A. No. 284/98) and further be pleased to punish the alleged contemners for wilful and disregard to the orders of the Hon'ble Tribunal referred above in accordance with law and further be pleased to pass any such other order or orders as deemed fit and proper.

And for this, the petitioners shall ever pray.

.. . Affidavit

A F F I D A V I T

I, Romel Huda Baruah, son of late Samsul Huda Baruah, aged about 43 years, office of the Garrison Engineer, Air Force, Govt. of India, Ministry of Defence, Tezpur, do hereby solemnly affirm and say as follows :

1. That I am one of the petitioners of the above case and as such well acquainted with the facts and circumstances of the case and also competent to swear this affidavit.

2. That the statements made in paragraphs 1 to 2 of the apcompanying petition are true to my knowledge and belief and the rests are my humble submissions before the Hon'ble Tribunal.

3. And I sign this affidavit ~~xxxxxxxxxxxxx~~ on this the 1ST day of ~~May~~ JUNE, 1999.

That this affidavit is made for the purpose of filing the Contempt Petition before the Hon'ble Central Administrative Tribunal.

Place : GUWAHATI.

Date : 01/06/99.

Identified by
Advocate

Romel Huda Baruah
DEPONENT

Signed before me today on 01/6/99 by the deponent above named.
Advocate

D R A F T C H A R G E

Laid down before Hon'ble Central Administrative Tribunal for initiation of a contempt proceeding against the alleged contemners for wilful non-compliance of the order of the Hon'ble Tripunal dated 18.12.96 in O.A. No. 284 of 1996 (Sri D.C.Das & Ors. Vs. U.O.I & Ors) and further be pleased to impose punishment upon the alleged contemners for wilful violation of the ~~judgement and~~ order dated 18.12.96 of the Hon'ble Tribunal in O.A. No. 284 of 1996.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr.Mr G.Sarma,Addl.C.G.S.C for the respondenets.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employees

contd...

3

12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is ~~disp~~ disposed of. No order as to costs.

Sd/-MEMBER(A)

Certified to be true Copy
प्रमाणित प्रतिलिपि

25/8/95

Deputy Registrar (J)
Central Administrative Tribunal
Guwahati Bench

25/8/95

Annexure-2 14

Tele-6052

HQ
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong-793011

70222/Legal/9/E1

12 Apr 97

CWE TEZPUR
Post Box No.31
Tezpur-784001(Assam)

IN THE MATTER OF SOLICITING YOUR URGENT ACTION TO IMPLEMENT THE ORDER OF CAT GUWAHATI PASSED IN O.A. NO. 34/96 Dated 18.12.96.

1. Ref your letter No. 1074/295/EIC(F) dt. 11 Jan 97 and this HQ letter No. 70222/Legal/02/E1 dt. 28 Jan 97.

2. It is seen that judgement has already been pronounced on OA No. 284/96. But neither the OA nor any documents are available at this HQ/CE Eastern Command. Please therefore forward the following documents direct to CE EC through speed post to take further action under intimation to this HQ immediately.

(a) Copy of OA (in duplicate)
(b) Statement of case (do)
(c) Parawise of comments (do)
(d) Counter Affidavit which (do) was filed duly vetted by Min of Law.
(e) Statement of case on judgement (do)
(f) Parawise comments on judgement (do)
(g) Opinion of Min of law on judgement (do)

3. Please treat this as Court priority mean while. Please obtain extension of time to implement the judgement or otherwise.

Sd/-
(P.K.GUPTA)
EE
SO II(Pers)
for Chief Engineer

Copy to :

GE, Tezpur GE, Missamari	for information and necessary action immediately.
CE EC Fort William Calcutta-21	for info with ref to this letter No.131515/ RS Das & Ors/4/Engrs/E10-2 dated 14.3.97

/Copy/

Annexure-3

Speed Post

HQ Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong-793011

70222/Legal/14/E1

26 Jun 97

IN THE MATTER OF SOLICITING YOUR URGENT ACTION TO IMPLEMENT THE ORDER OF CAT GUWAHATI PASSED IN OA No. 34/96 DATED 18 DEC 96.

1. Refer your HQ letter No. 181515/RS Das and Ors/4/Engrs/E1C-2 dated 14 Mar 97.

2. The following documents recd from CWE Tezpur vide their letter No. 1074/303/EiC(I) dated 12 Jun 97 are fwd herewith :-

a) Copy of OA
b) Judgement of CAT

3. In this connection you are requested to refer line 23 to 33 at page 2 of CAT Guwahati directions under OA No. 284/96 dated on 18 Dec which read as under :

"In the circumstance I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within three months from the date of receipt copy of this order."

4. Since the case has to be disposed of by the competent authority of the department as or directions of the CAT, it is submitted that this office has no comments on their promotion.

5. Demand is genuine as already CAT Bangalore has given time bound scale to all Grade IIs as per latest policy post of Gd II and Gd I hace been made as one and they will be called JEs. In that case what will be the fate of Sub-overseers

5. In view of the above it is requested that the case may please be referred to higher authorities.

Sd/-
(P.K.GUPTA)
EE
SO II (Pers)
OIC Legal Cell
for Chief Engineer

Encls : (sheets)

Copy to

CWE Tezpur - for your info please.

Annexure-4

Tele-222
Extn - 2313

Chief Engineer
Eastern Command,
Fort William, Calcutta-21

No. 131515/RS DAS/7/Engrs/EIC(2) Dated 04 Jul 97

To

Engineer-in-Chief
(IEC/Legal-C)
Army HQ
DHQ PO : NEW DELHI 110011

IMPLEMENTATION OF PROMOTION AND PAY BENEFIT IN RESPECT OF SUB-OVERSEER.

1. As per CAT Guwahati judgement order delivered on 18.2.96 on OA No. (Copy enclosed for ready reference) Sub-overseer working under CWE Tezpur had applied for promotional and pay benefits. Out of total 14 Nos application received so far, one xerox copy of application is forwarded herewith for your reference please. All other applications are in the same languate.

2. In view of CAT o der, your cognizance/decision may please be communicated to take further action.

Enclo, : One

Sd/-
(S.Chowdhury)
Lt. Col
SOI (P)
for Chief Engineer

Copy to

1. CE Shillong zone - for information with ref to CE Shillong Zone letter No.70222/legal/E1 dt. 22.4.97 and 70222/Legal 14/E1 dt. 26.6.97.
2. CWE Tezpur

Annexure-5

To

Engineer-in-Chief
Army Headquarters
Kashmir House DHQ PO
New Delhi-110011

(Through Proper Chennal)

Subject : IMPLEMENTATION OF PROMOTION AND ~~PAYMENT~~ BENEFIT IN RESPECT OF SUB-OVERSEER.

Reference my letter No. Nil dated 26 Dec'96

Sir,

With due respect I beg to state the following few lines for your kind consideration and sympathetic action please :-

1. That Sir, as per hon'ble CAT Guwahati bench order No. 284/96 dated 18.12.96 where it is stated that the grievances of the applicants should be sort out by the authority within three months. But it is matter of great regreat that already six months expired, so far I could not received any justice from your end and have been deprived from the benefit as provided by the hon'ble CAT Guwahati.

2. In view of the above you are one's again requested to look in the matter deeply and suitable instruction on the subject may kindly be given for implementation the facilities to me within short period, so that I amy not be approached CAT again to meet my claim.

3. Hope your honour to consider the matter sympathetically for this act of your kindness I shall ever grateful to you.

With regards.

Yours faithfully,

Sd/-

Dated 26 Sep'97

MES No. 232908

Name : D.D.Das
Designation-Sub-overseer

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Annexure-6

Sri S.C.Biswas, M.A. LL.B
Advocate
GAUHATI HIGH COURT

PLAZA BUILDING
Laktokia (S.S.Road)
Gate No.2
GAUHATI-1
Phone No. 32439

Ref No.

Date 20.7.98

1. Secretary
Ministry of Defence
Government of India,
New Delhi.

2. Engineer-in-Chief
Army Head Quarters
Kashmir House DHQ PO
New Delhi-110011

3. Chief Engineer
Head Quarters
Eastern Command
Fort Williams
Calcutta-21

4. Chief Engineer
Headquarters
Shillong zone
Sprade Eagle Fallse
Shillong-11.

5. Commander Works Engineer
Post Bos No.31
Tezpur

~~6. Commander Works Engineer Post Box No.31 Tezpur~~

6. Garrision Engineer, Tezpur,
Post Office Tezpur

7. Garrision Engineer
Air Force Tezpur

8. Garrision Engineer
Missamari,
P.O. Missamari

Sir,

Under instructions of Client Shri Suresh Das, Nadeswar Doimari, Md. R.H. Baruah, Mohan Ch. Bora, Girindra Chandra Nath, Niranjan Choudhury, Gobinda Boro, D.K. Sengupta, Ranjit Sarkar, P. Sen Gupta, N.K. Boro, D.N.Jha Santosh Ghose, Padma Kanta Boro - all Sub-Overseers serving under C.W.E.Tezpur, I would like to intimate you as under :

Contd...

Annexure-6 (Contd.)

1. That Honourable Central Administrative Tribunal Guwahati Bench passed an Order in O.A. Case No. 284/96 Durgeswar Das and 13 others Vs. Union of India & Others, Honourable Tribunal order dated 18.12.96 it was directed to dispose the representation of Sub-Overseers (Grade-3) within 3 months from the receipt of the order. Be it mentioned that the Applicants are Civilians Defence Demployee of Ministry Engineering Service Employee as Sub-Oversears under you in the pay scale of Rs. 975/- to Rs.1540/-.

2. That before the CAT it was prayed to promote them to the next higher Grade namely Superintendent B/R Grade-II with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of entitled i.e. on the completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal Bangalore Bench in O.A. 1337/94 and other connected O.A.S. vide Judgement and Order dated 31.3.95, 15.6.96.

3. That accordingly after the Judgement and Order passed by CAT Gauhati Bench on 18.12.96, each of my Client approached your with their respective representations with an appeal to give effect to the Judgement and order of CAT Guwahati and to pass order in their representations, but as ill luck would have it, it appears that you the Addressee No. 1 to 8 paid no heed to the order and judgement passed by the Honourable CAT Gauhati and meanwhile it is about 2 years has been completed but nothing has done to give honour the Judgement and Order passed by CAT Gauhati which is really a misfortune for my clients who were suffering since last 15 years.

Under this Notice I on behalf of my Clients once again appeal you all to give effect to the Judgement and order ot the CAT Gauhati Bench the copy of which had already placed before each of you long ago for consideration and necessary action, within 15 days from the date of receipt of this Notice, failure of which matter shall again be placed before the CAT Guwahati Bench in form of Contempt for lawful remedies for compliance of the order and in that event you will be made party in the proposed contempt Suit and in that even you all would be liable for all the consequences which pleas note.

This is for your kind information please.

Yours faithfully,

Sd/- S.C.BISWAS,

20.7.98

Annexure-7

Tele : 325/AF

REGISTERED

Garrison Engineer (Air Force)
Tezpur, Post-Shalonibari

1615/AF/CAT/91/EIP

15 Sep 98

To

Shri S.C.Biswas, MA, LLB
Advocate
Gauhati High Court
Plaze Building, SS Road,
Gate No.2, Guwahati-1.

CAT GAUHATI BENCH JUDGEMENT ON 18 DEC 96
OA 284/96.

Sir,

1. Please refer to your letter dated 20.July 98.

2. CAT Gauhati Bench Judgement dt. 18 Dec 96 stated to have been sent to us long ago has not been received in this office. It is therefore requested to forward a copy of the same for our further necessary action.

Yours faithfully,

Sd/-

(R.B.Singh)
Major
Farrison Engineer (A/F)

19/ Annexure → 8.

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FORM NO. 4
(See Rule 42)

The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. Mp. 259 OF 199 8
O.A. 284/96

(s) Union of India & ors
-Vs-

ent(s) Shri Dwigesh Deo & ors

for Applicant(s) Mr. A.K. Choudhury, Addl. C.G.S.C

e for Respondent(s) Mr. B.C. Pathak

11.12.98 Session	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of. Sd/- VICE CHAIRMAN Sd/- MEMBER (ADMN)

Certified to be true Copy
प्रमाणित प्रतिलिपि

31/5/99

Section Officer (J)
अनुभाग अधिकारी (न्यायिक शाखा
entral Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-
गुवाहाटी न्यायपीठ, गुवाहाटी-

District :—

VAKALATNAMA

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM & ARUNACHAL PRADESH.)

NO. CP. 28/99 OF 199

Rumel Huda Baruah — Appellant / Petitioner

Versus

~~Union of India~~ & ors. — Respondent / Opposite Party
Lt. General A.N. Sinha

Rumel Huda Baruah 22

Know all men by these presents that the above named applicant hereby nominate, constitute and appoint Shri M. Chanda, U. Dutta & K. Bhattacharjee Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my / our true and lawful Advocate to appear and act for me / us in the matter noted above and in connection there with and for that purpose to do all act whatsoever in that connection including depositing or drawing money, filling in or taking out papers, deeds of composition etc. for me / us and on my / our behalf and I / we agree to ratify and confirm all acts so done by the said Advocate as mine / ours to all intents and purposes in case of non-payment of the stipulated fee in full no Advocate will be bound to appear or act on my / our behalf.

In witness whereof I / we hereunto set my / our hand this 2ND DAY of ~~Mg~~ JUNE 1999

1) Mr. N. M. Lahiri
2) Mr. J. P. Bhattacharjee
3) Mr. B. K. Das
4) Mr. N. N. Saikia
5) Mr. A. S. Bhattacharjee
6) Mr. A. R. Banerjee
7) Mr, B B. Chakravorty
8) Mr. T. C. Khatri
9) Mr. A. K. Choudhury
10) Mr. B. C. Das
11) Mr. S. C. Biswas
12) Mr. N. Dutta
13) Mr. G. Ugir
14) Mr. B. Banerjee
15) Mr. K. P. Singh
(31) Mrs. N. D. Goswami
16) Mr. B. K. Sarma
17) Mr, K. Bhattacharjee
18) Miss B. Choudhury
19) Mr. D. S. Bhattacharyya
20) Mr. P. Sarma
21) Mr. P. Mahanta
22) Mr. P. Biswas
23) Mr. Srilal Gupta
24) M. Mazumdar
25) Mrs. N. D. Sarma
26) Miss N. Bhattacharjee
27) Miss R. Begum
28) Mr. M. Chanda
29) Mr. K. Bhattacharjya,
30) Mr. U. Dutta

Received from the executant

Satisfied and Accepted,

Advocate : K. Bhattacharjee

Date : 24/06/99

Dutta And accepted Adv.

And accepted Adv.

5 Rs. COURT FEE 4 रु. भारत INDIA पाँच रुपये FIVE RUPEES

50 Ps. COURT FEE 40 रु. भारत INDIA पचास पैसे 50 PAISE

29

(S S Kelkar)
Col
Commander Works Engineers

V A K A L A T N A M A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

GUWAHATI.

C.P. NO. 26 OF 1999.

Sri Romel Huda Baruah & ors	Applicant Petitioner
Versus	
Lt.General A.N.Sinha & ors	Respondent Opposite party

Know all men by these presents that the above named .Respondent No.1 do hereby nominate,constitute and appoint Sri..Bhaben Sing..... B.Basumatary.....Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money,filing in or taking out papers,deeds of composition etc.for me/us and on my/our behalf I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours to all intents and purposes in case of non-payment of the stipulated fee in full no Advocate will be bound to appear and act on my/our behalf. In witnesses whereof I/We hereunto set my/our hand on this .14.th.....day of .October.....1999.

S.Ali	B.K.Sarma	J.L.Sarkar
A.Deb Roy	B.C.Pathak	B.S.Basumatary
M.Chanda	S.Sarma	

Received from the executant, satisfied and accepted.

Bhaben Sing Basumatary
Advocate

Mr.....will lead me/us in the case.

Advocate.

COURT FEE 5 Rs. INDIA FIVE RUPEES

24

VAKALATNAMA

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

CP NO 26/99 (OA 284/96)

Romel Huda Baruah & Ors ..... Applicants

Union of India & Ors..... Respondents

I, Lt Gen AN Sinha, PVSM, AVSM, ADC, Engineer-in-Chief Army HQ, New Delhi Respondent in the above Contempt Petition do hereby appoint and retain Sh BS Basumatari, Advocate to appear, plead and act for me in the above petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petition and Review Application arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me in the proceedings.

ENGINEER IN CHIEF'S BR. Army Headquarters NEW DELHI-110011

Place: New Delhi

Date : 14/10/99

Signature of the Party

(A N Sinha)
Lt Gen
Engineer-in-Chief

Accepted

(Signature with date)
BS Basumatari
BS Basumatari
Advocate

Name and address of the Advocate for Service

Bhaben Singh Basumatary

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH

GUWAHATI

C.P. NO. 26 OF 1999

IN THE MATTER OF :

A show cause filed by
the Respondent No. 1

-AND-

IN THE MATTER OF :

C.P. No. 26 of 1999
arising out of Order Dated
18-12-96 passed by the
Hon'ble Tribunal in O.A.
No. 284/96 (Sri Durgesh Ch. Das & Ors

-Vs-

Union of India and Ors).

-AND-

IN THE MATTER OF :

Sri Romel Huda Baruah

-Vs-

1. Lt. General A.N. Sinha & 5 Ors.

Filed by - Lt. Gen. A.N. Sinha -- RESPDT No. 1

Advocate / Addl. CGSC, CAT, Guwahati Bench

I, Lt. General AN Sinha, PVSM, AVSM, ADC, Engineer-in-Chief, Army HQ, New Delhi do hereby solemnly affirm and state as follows :-

1. That I am the Engineer-in-Chief, Army HQ, New Delhi, I have been impleaded as party Respondent No. 1 in the instant C.P. I have received a copy of the said C.P., perused and understood the contents thereof. As such I am well acquainted with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

(A N Sinha)
Lt Gen
Engineer-in-Chief

NOTARY DELHI Govt. of India

2. That this deponent respectfully states as a law abiding citizen he has a great respect to the Hon'ble Tribunal, as he has neither wilfully violated any judgement and order passed by the Hon'ble Tribunal nor has neglected in implementation of such judgement and order.

3. That as regards the contents of paragraph-1 of the C.P. this deponent respectfully states that the O.A. No. 284/96 was filed by Sri Durgesh Ch. Das and others whereby they sought direction for their promotion to the post of Superintendent B/R Gde-II from the post of Sub-Overseer with retrospective effect or to place them in higher pay scale to Gde-II w.e. from the date of their entitlement i.e. on completion of 15 years service in the post of Sub-Overseer. The Hon'ble Tribunal declining to admit the said O.A disposed of vide order Dated 18-12-96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A photostat copy of the aforesaid order Date 18-12-96 is annexed herewith and marked as ANNEXURE-'R1' hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R Gde-II, 10% wastage vacancies are to be filled up from Matriculate Sub-Overseer with 15 years service in the grade on the basis of seniority after having been selected by the DPC and integrity certificate granted.

5. That as regards the contents of paragraph-2 of the C.P. this deponent respectfully states that in compliance with the order Dated 18-12-96 passed by the Hon'ble Tribunal in the aforesaid O.A. a DPC was convened on 17-10-97 to consider the promotion of the Applicants and a panel of selectees was prepared which was circulated vide HQ Chief Engineer, Eastern Command No. 131841/4/636/Engrs/EID dated 22-11-1997. Thus on the basis of 10% available wastage vacancies some of the Applicants, viz., Sri Durgesh Ch. Das, Sri S.K. Sengupta and Sri Khagendra Borah have been promoted. However, the name of the instant petitioner was not considered by the DPC since the position of

NOTARY

A. K. [illegible]
t Gen
Engineer-in-Chief

seniority did not come within the ratio of eligible candidates against the available 10% wastage vacancies.

A copy of the panel of the selectees dated 22-11-97 is annexed herewith and marked as ANNEXURE-'R2'

However, as regards the claim of higher scale in lieu of promotion the matter was duly processed and as it involves policy matter hence approval of the Hon'ble Minister of Defence on behalf of the President of India, concurrence of Ministry of Human Resources as well as Law and Company Affairs is required, as such it has taken sufficient time in observing of formalities to arrive at a final decision. At the same time, perhaps it will be not out of place to mention here that the political instability also occurred resulting the collapse of Ministry at the Centre on number of occasions at the relevant point of time which had greatly hampered in the progress of the process. Considering all these aspects an M.P. for extension of time limit was filed and the Hon'ble Tribunal was pleased to grant extension of time up to 15-1-99 vide order Dated 1-12-98 passed in M.P. No. 259/98.

A photostat copy of the aforesaid order Dated 1-12-98 is annexed herewith and marked ANNEXURE-'R3' hereof.

6. That this deponent most respectfully states that now the name of the Petitioner of the instant C.P. alongwith some others have been forwarded to the Chief Engineer HQ Eastern Command, Fort William, Calcutta so as to convene DPC for their selection and promotion to the post of Superintendent B/R Gde-II by the Office of the HQ Chief Engineer, Shillong Zone vide letter No. 70860/14/Br/3363/EID Dated 14-6-99.

A copy of the aforesaid letter Dated 1-12-98 is annexed herewith and marked ANNEXURE-'R4' hereof.

7. That as regards the claim of higher scale this deponent respectfully states that the Govt. of India in the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) has formulated a new scheme named 'Assured Career

Progression Scheme' for the Central Govt. Civilian Employees vide Office Memorandum No. 35034/1/97-Estt(D) Dated 9-8-99. As per said Scheme the Govt. of India have adopted the ACP scheme in a modified form to mitigate hardship in cases of acute Stagnation either in cadre or in an isolated post. Keeping in view all relevant factors, it has therefore, been decided to grant two financial upgradations as recommended by the Fifth Central Pay Commission and also in accordance with the agreed settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the staff side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition No. 4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

A photostate copy of the aforesaid Office Memorandum Dated 9-8-99 is annexed herewith and marked ANNEXURE-'R5' hereof.

In the circumstances order dated 13-09-99 bearing its No. 70222/A-284-96/Legal/ 67(sic)/E1 under the hand of Brig SK Sharma, Chief Engineer, Shillong Zone loses its entity and shall be ignored for any practical action in future.

A photostate copy of the aforesaid Office Memorandum Dated 13-9-99 is annexed herewith and marked ANNEXURE-'R6' hereof.

8. That this deponent most respectfully submits that under the facts and circumstances stated above this deponent has not violated the Order Dated 18-12-96 in any manner as alleged by the petitioner.

9. That the deponent respectfully submits that the promotion of other applicants have already been considered as per provision of the relevant law and some of them have already been promoted against the available vacancies on the basis of their seniority and fitness. Thus the order dated 18-12-96 passed by the Hon'ble Tribunal in O.A. No.

(A N Sinha)
Lt Gen
Engineer-in-Chief

284/96 has been complied with. Be it submitted that the case of the petitioner's promotion is being considered as his position of seniority has come to the considerable point in promotion to available vacancies. Besides he is now entitled benefits of the Office Memorandum Dated 9-8-99 in respect of 'Assured Career progression Scheme' in so far as his claim of higher scale in lieu of promotion is concerned. At the Pleasure of the Hon'ble Tribunal the instant C.P may kindly be closed.

: VERIFICATION :

I, Lt General A.N. Sinha, PVSM, AVSM, ADC, Engineer-in-Chief, Army HQ, New Delhi do hereby solemnly affirm and state that the statements made in verification and those made in paragraphs 1 to 2 of the show cause are true to the best of my knowledge and belief and those made in paragraphs 3 to 7 are true to my information which have been derived from the records and rest are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this 18th day of November, 1999.

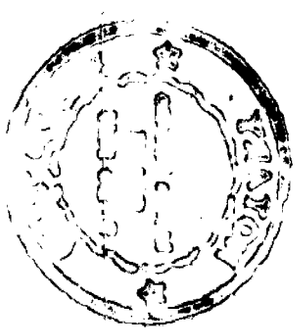
NOTARY Meena Sharma DELHI Reg. No. 1053 Govt. of India

Solemnly affirmed before me,

NOTARY PUBLIC, DELHI
18 · NOV 1999

Meena Sharma, Advocate
Notary, Public
Ch. No. 94, Patiala House
NEW DELHI.

DEPONENT.
(A N Sinha)
Lt Gen
Engineer-in-Chief



Annexure R

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the~~ ~~respondents~~ Mr G.Sarma,Addl.C.G.S.C for the respondents.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employed

contd...

Calcutta -21

-7-

18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Memo.No. 74 Dated 3/1/97

Copy for information and necessary action to :

1. The Secretary to the Govt.of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C.,CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDL).

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

131041/4/ 636 /Engrs/EID

12 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your IOM No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

EIR, E7, EID(A)

Annexure R2

Appendix 'A' to CEWC Calcutta
Letter No. 131841/4/636/Works/MID
Dated : 22 Nov 97.

33

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 259 OF 1998
OA. 284/96

Applicant(s) Union of India & Ors.

Respondent(s) Shri Sangyaih Deva & Ors.

Advocate for Applicant(s) Mr. A.P. Choudhury, Addl. C.G.S.C.

Advocate for Respondent(s) Mr. P.C. Biswas

Notes of the Registry	Date	Order of the Tribunal
	17.11.98	There is no representation. Adjourned to 1.12.98.
	1.12.98	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of. SD/-VICE-CHAIRMAN SD/-MEMBER(A)

29 Annexure R4 1258 2 C2

Tele No : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

70860/14/BR/3363/EID

14 Jun 99

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/656/Engrs/EID dated 13 Apr '99 & further to this HQ No.70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~fakkawing indis~~ of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Chardwar (Seniority No. 11)
(c) MES/265341 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233202 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~the~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 15: Under Col 2 — For : 265221 : GC Moro
Read: 265221 : GC Boro
Under Col 3 — For : SC Read : ST

(c) Against Sl No 25: Under Col 7 — For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73
Under Col 9 — For : 02.01.75
Read: 01.01.73

.....2/-

EID Section 58 21/6

FN 265 13/2

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-86. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Doley)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/4 -31- -18- MOST IMMEDIATE

Annexure R5

No.35034/1/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August, 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a '*Safety Net*' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES :

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

...2/-

Committee as per relevant rules/guidelines.

-32-

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue wastage of the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the last week of January and July for advance processing of the cases. Accordingly, cases maturing during the first half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January [illegible] shall process the cases that would attain maturity during the period April 1, [illegible] October 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To enable the Scheme operationalised, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of departments. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1039 copies

ANNEXURE-I

40.

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

.....5/-

Financial upgradation under the Scheme shall be given to the next higher grade in the hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conform to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his [illegible] for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. [illegible] has got one financial upgradation after rendering 12 years of regular service. [illegible] 2 years thereafter if he refuses regular promotion and is consequently debarred for [illegible] subsequently he is promoted to the higher grade on regular basis after completion of [illegible] (12+2+1) of regular service, he shall be eligible for consideration for the second [illegible] under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period [illegible] shall be taken into account to reach the required 12 years of regular service in that [illegible] grade;

11.

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director (Establishment)

19 37

ANNEXURE-14

STANDARD/COMMON PAY-SCALES

(As per Part-A of the First Schedule Annexed to the Ministry of Finance (Expenditure) Gazette Notification dated September 30, 1997)

[REFERENCE PARA 7 OF ANNEXURE-A TO THE OFFICE MEMORANDUM]

S.No.	Grade	Pay scales (Rs)
1.	S-1	2550-60-3200
2.	S-2	2650-65-3540
3.	S-3	2750-65-3590-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590
6.	S-6	3250-85-4900
7.	S-7	4000-100-6000
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-11	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

REGISTERED SDS

Tele : 6010

HQ Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong -793 011

70222/OA 284-96/Legal/[illegible] /E1

13 Sep 99

Sri Romol Huda Baruah
Sub-Overseer
Garrison Engineer
Tezpur

SPEAKING ORDER IN COMPLIANCE TO CAT GUWAHATI ORDER IN CASE NO OA 284/96

1. In compliance with CAT Guwahati Bench Judgement OA No 284/96 delivered on 18 Dec 96, your representation has been considered at appropriate level and your are informed that :-

(a) Verdict given by Hon'ble CAT Bangalore against OA No 1337 & 1364 to 1375/94 and consequently Govt of India, Min of Def sanction conveyed vide PC 90237/4603/E1C(Legal)/1993/D(Works) dated 25 Apr 96 is that :-

(i) There will be two scales of pay for Superintendent (BR/EM/ Surveyor, Assistant Grade Viz Rs 1400-2300 and Rs 1640-2900. The entry grade will be Rs 1400-2300. The Superintendents/Surveyor Assistants, on completion of 5 years service in the entry grade will be placed in the scale of Rs 1640-2900, subject to the rejection of unfit. This higher grade will not be treated as a promotional one but will be non functional and the benefit of FR 22 (1) (a) (1) will not be admissible, while fixing the pay in the higher grade, as there will be no change in duties and responsibilities.

(b) Mere eligibility does not entitle an individual for further promotion as various aspects i.e. vacancies, fitness etc. are to be accounted for. Your case for promotion to Supdt B/R Gde II will be considered in due course as and when vacancies are available as per rules.

2. In view of the above the reliefs sought by you regarding time bound pay scale is not tenable. Also promotion to the grade of Supdt B/R II is to be given based on your seniority and fitness on occurrence of vacancy as per rules.

(SK Sharma)
Brig
Chief Engineer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : GUWAHATI BENCH GUWAHATI

C P NO 26 OF 1999

IN THE MATTER OF :

A show cause filed by the Respondent No 2

- AND -

IN THE MATTER OF :

C P NO 26 of 1999 arising out of Order Dated 18.12.96 passed by the Hon'ble Tribunal in OA No 284/96 (Shri Durgesh Ch Das & Ors

- VS -

Union of India & Ors

-AND-

IN THE MATTER OF :

Shri Romel Huda Baruah

- VS -

2. Brig D S Thukral & 5 Ors

I, Brig D S Thukral, Chief Engineer (Air Force) Shillong Zone do hereby solemnly affirm and state as follows :-

1. That I am the Chief Engineer (Air Force) Shillong Zone and I have been impleaded as Party Respondent No 2 in the Instant CP. I have received a copy of the said CP, gone through and understood the contents thereof. As such I am well acquainted with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

2. That this deponent respectfully states that as a law abiding citizen he has a great respect to the Hon'ble Tribunal. As such he has neither willfully violated any judgement and order passed by the Hon'ble Tribunal nor has neglected in implementation of such judgement and order.

3. That as regards the contents of paragraph-1 of the C P, this deponent respectfully states that the O A No 284/96 was filed by Shri Durgesh Ch Das and others whereby they sought direction for their promotion to the post of Superintendent B/R Gde-II from the post of Sub-Overseer with retrospective effect or to place them in higher scale to Gde-II with effect from the date of their entitlement i.e on completion of 15 years of service in the post of Sub-Overseer. The Hon'ble Tribunal declining to admit the said OA disposed of vide order dated 18.12.96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A photostat copy of the aforesaid order dated 18.12.96 is annexed herewith and marked as ANNEXURE-'R1' hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R Gde-II, 10% wastage vacancies are to be filled up from Matriculate Sub-Overseer with 15 years service in the grade on the basis of seniority after having been selected by the DPC and integrity certificate is granted.

5. That as regards the contents of paragraph-2 of the C P this deponent respectfully states that in compliance with the order dated 18.12.96 passed by the Hon'ble Tribunal in the aforesaid OA a DPC was convened on 17.10.97 to consider the suitability of the Applicants and a panel of selectees was prepared which was circulated vide No 131841/4/636/Engrs/EID Dated 22.11.97. Thus on the basis of 10% available wastage vacancies some of the Applicants, Viz. Shri Durgesh Ch Das, Shri S K Sengupta and Shri Khagendra Bora have been promoted. However, the name of the instant petitioner was not considered by the DPC since his position of seniority did not come within the ratio of eligible candidates against the available 10% vacancies.

A copy of the panel of selectees dated 22.11.97 is annexed herewith and marked as ANNEXURE-'R2' hereof

However, as regards the claim of higher scale in lieu of promotion the matter was processed and as it involves policy matter hence approval of the Hon'ble Minister of Defence on behalf of the President of India, concurence of Ministry of Human Resources as well as Law and Company Affairs is required. As such in observing it has taken sufficient time in arriving at a final decision. At the same time political instability also occured resulting in collapse of Ministry at the Centre on number of occasions at the relevant point of time which has greatly hampered in the progress of the process. Considering all these aspects an M P for extension of time was filed and the Hon'ble Tribunal was pleased to grant extension of time upto 15.1.99 vide order dated 1.12.98 passed in MP No 259/98.

A photostat copy of the aforesaid order dated 1.12.98 is annexed herewith and marked as ANNEXURE-'R3' hereof.

6. That the deponent respectfully states that now the name of the petitioner of the instant C P alongwith some others have been forwarded to the Chief Engineer HQ Eastern Command, Fort William, Calcutta so as to convene DPC for their selection and promotion to the post of Superintendent B/R Gde-II by this office vide letter No 70860/14/BR/3363/EID dated 14.1.99 and a DPC is going to be convened subject to clearance of all formalities.

A photostat copy of the aforesaid letter dated 14.1.99 is annexed herewith and marked as ANNEXURE- 'R4' hereof.

7. That this deponent respectfully states that as regards the claim of higher scale the Govt of India in the Ministry of Personnel, Public Grievances and Pensions(Department of Personnel and Training) has formulated a new Scheme named ' Assured Career Progression Scheme' for the Central Govt Civilian Employees vide Office Memorandum No 35034/1/97-Estt(D) dated 9.8.99. As per said Scheme the Govt of India have adopted the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in cadre or in an isolated post. Keeping in view all relevant factors, it has therefore, been decided to grant two financial upgradations(as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years(subject to condition No 4 in Annexure-1) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

A photo copy of the aforesaid office Memorandum dated 9.8.99 is annexed herewith and marked as ANNEXURE- 'R5' hereof.

Be it further stated that under the developed facts and circumstances an order passed under this deponent vide No 70222/ OA 284/Legal/67(Sic/El Dated 13.9.99 has lost its significance and shall be ignored in all practical purposes in future.

A photostate copy of the aforesaid Order dated 13.9.99 is annexed herewith and marked as ANNEXURE-'R6' hereof

8. That this deponent respectfully submits that under the facts and circumstances stated above this deponent has not violated the Order dated 18.12.96 in any manner as alleged by the petitioner.

9. That this deponent respectfully submits that the promotion of other Applicants have already been considered as per provision of relevant law and some of them have been promoted against the available vacancies on the basis their seniority and fitness. In the same manner now the case of the petitioner is also being considered as his position of seniority has come to the considerable point in proportion to available vacancies . Besides now he is entitled benefits of the ' Assured Career Progression Scheme' in so far as his claim of higher scale in lieu of promotion is concerned. In fact the Order dated 18.12.96 passed by the Hon'ble Tribunal has been complied with. Hence at the pleasure of the Hon'ble Tribual the instant C P may kindly be closed.

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: VERIFICATION :

I, Brig D S Thukral, Chief Engineer (Air Force) Shillong Zone do hereby solemnly affirm and state that the statements made in this verification and those made in paragraphs 1, 2 of the show cause are true to the best of my knowledge and belief and those made in paragraphs 3, 4, 5, 6, 7 — are true to the best of my information which have been derived from the records and rests are my humble submission before the Hon'ble Tribunal AND I verify and sign this verification this the 26th day of October, 1999.

DEPONENT

(D. S Thukral)
Brig.
Chief Engineer (AF)
Shillong Zone

7-45

Annexure R'

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr G.Sarma,Addl.C.G.S.C for the respondents.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employed

contd...

Calcutta -21

18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Memo.No. 74 Dated 3/1/97

Copy for information and necessary action to :

1. The Secretary to the Govt.of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C., CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDI).

-47- CWE Tezpur Annexure R2 312

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

131841/4/ 636 /Engrs/EID

12 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

5666

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your IOM No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

EIR, E7, EID(A)

-48 Annexure R2

Appendix 'A' to CEEC Calcutta
Letter No.131841/4/636/Engrs/EFD
Dated : 22 Nov 97.

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42) H 49

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

55

ORDER SHEET

APPLICATION NO. Mp. 259 OF 1998
O.A. 284/96

Applicant(s) Union of India & ors
-vs-

Respondent(s) Shri Dwigesh Das & ors

Advocate for Applicant(s) Ms. A.R. Choudhury, Addl. C.G.S.C

Advocate for Respondent(s) Mr. B.C. Biswas

Notes of the Registry	Date	Order of the Tribunal
	19.11.98	There is no representation. Adjourned to 1.12.98. By order
	Lands. 1.12.98 Mision	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of. SD/-VICE-CHAIRMAN SD/-MEMBER(A)

Annexure RA 1258

Tele Mly : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

70860/14/BR/3363/EID

14 Jun 99

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/656/Engrs/EID dated 16 Apr '99 & further to this HQ No.70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~following~~ indls of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Chardwar (Seniority No. 11)
(c) MES/265341 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233292 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~ss~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 15: Under Col 2 — For : 265221 : GC Moro
Read: 265221 : GC Boro
Under Col 3 — For : SC Read : ST

(c) Against Sl No 25: Under Col 7 — For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73
Under Col 9 — For : 02.01.75
Read: 01.01.73

.....2/-

EID Section
58
21/6

FN/265
BR

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-85. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Doley)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/4 -52 Annexure R5

No.35034/1/97-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

North Block, New Delhi 110001

August, 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a '*Safety Net*' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

..2/-

Scheme, Staff Selection [illegible]
Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the last week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, [illegible] shall process the cases that would attain maturity during the period April 1, [illegible] to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

.... 7/-

Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubts as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

.....5/-

/18/ /56/

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Financial upgradation under the Scheme shall be given to the next higher grade in case with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical scales, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

.....6/-

- 19 - 57 -

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter, to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director (Establishment)

-20- -58-

ANNEXURE-II

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STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE A-2 THIS OFFICE MEMORANDUM]

S.No.	[illegible]	[illegible] pay scales (Rs)
1.	S-1	[illegible]860-60-3200
2.	S-2	[illegible]3450-65-3540
3.	S-3	[illegible]-65-3590-70-4000
4.	S-4	[illegible]70-3800-75-4400
5.	S-5	[illegible]-75-3950-80-4590
6.	S-6	3[illegible]-85-4900
7.	S-7	[illegible]100-6000
8.	S-8	[illegible]125-7000
9.	S-9	[illegible]-150-8000
10.	S-10	[illegible]5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::::: GUWAHATI BENCH

C.P. NO. 26 OF 1999

IN THE MATTER OF :

A show cause filed by the Respondent No 3.

- A N D -

IN THE MATTER OF :

C.P No. 26 of 1999 arising out of Order Dated 18.12.96 passed by the Hon'ble Tribunal in O.A.No 284/96 (Shri Durgesh Ch. Das & ors

-Vs-

Union of India & ors).

- A N D -

IN THE MATTER OF :

Sri Romel Huda Baruah

- Vr.-

3. Maj R.B. Singh, Garrison Engineer, Air Force, Tezpur and ors.

I, Major R.B.Singh, Garrison Engineer, Air Force, Tezpur do hereby solemnly affirm and state as follows :

1. That I am the Garrison Engineer, Air Force, Tezpur and I have been impleaded as party Respondent No 3 in the instant C.P. I have received a copy of the said C.P, gone through the same and understood the contents thereof. As such I am well conversant with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

2. That this deponent respectfully states that as a law abiding citizen he has a great respect to the Hon'ble Tribunal. As he has neither violated any judgement and order passed by the Hon'ble Tribunal nor has neglected in implementation of such judgment and order.

Contd 2/-

3. That as regards the contents of paragraph-1 of the C.P this deponent respectfully states that the O.A No. 284/96 was filed by Durgesh Ch. Das and others whereby they sought direction for their promotion to the post of Superintendent B/R GDE-II from the post of Sub-Oversoor with retrospective effect or to place them in higher pay scale to GDE-II w.e from the date of their entitlement i.e on completion of 15 years service in the post of Sub-Oversoor. The Hon'ble Tribunal declining to admit the said O.A disposed of vide order Dated 18.12.96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A photostat copy of the aforesaid order dated 18.12.96 is annexed herewith and marked as ANNEXURE-'R1' hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R GDE-II, 10% wastage vacancies are to be filled up from Matriculate Sub-Overseers with 15 years service in the grade on the basis of seniority after having been selected by the DPC and subject to granting of integrity certificate by the competent authority.

5. That me as regards the contents of paragraph-2 of the C.P this deponent respectfully states that he being the controlling authority of the Petitioner/Applicant in compliance with the order Dated 18.12.96 passed by the Hon'ble Tribunal in the aforesaid O.A. the matter was taken up with his higher authority immediately on receipt of the said order. Accordingly a DPC was convened on 17.10.97 by the competent authority to consider the promotion of the Applicants and panel of selectees was prepared which was duly circulated vide No 131841/4/636/Engrs/EID dated 22.11.1997. Thus on the basis of 10% available wastage vacancies same of the Applicants, Viz., Sri Durgesh Ch. Das, Sri S.K. Sengupta and Sri Khagendra Borah have been promoted. However, the name of the instant petitioner was not considered by the DPC since his position of seniority did not come within the ration of eligible candidates against the available 10% wastage vancancies.

A panel of the selectees dated 22.11.97 is annexed herewith and marked as ANNEXURE-'R2'

Contd..... 3/-

However, as regards the claim of higher scale in lieu of promotion the matter was processed by the competent authority and as it involves policy matter hence approval of the Hon'ble Minister of Defence on behalf of the President of India, concurence of Ministry of Human Resourses as well as Law and Affairs is required, as such it has taken sufficient time in arriving at final decision. At the same time, perhaps it will be not out of place to mention that the political instability also occured resulting the collapse of Ministry at the Centre on number of occasions at that point of time which had greatly hampered in the progress of the process. Considering all these aspects an M.P for extension of time limit was filed by the concerned authority and the Hon'ble Tribunal was pleased to grant extension of time up to 15.1.99 vide order Dated 1.12.98 passed in M.P No. 259/98.

A Photestat copy of the aforesaid order Dated 1.12.98 is annexed herewith and marked as ANNEXURE-'R3' hereof.

6. That the deponent most respectfully states that now the name of the Petitioner of the instant C.P along with some others have been forwarded to the Chief Engineer H.Q Eastern Command, Fort William, Calcutta so as to convene DPC for their selection and promotion to the post of Superintendent B/R GDE-II by the Office of the HQ Chief Engineer, Shillong Zone vide letter No 70860/14/Br/3363/EID dated 14.7.99.

A copy of the aforesaid letter Dated 14.7.99 is annexed herewith and marked as ANNEXURE-'R4' hereof.

7. That as regards the claim of higher pay scale this deponent respectfully states that the Govt of India in the Ministry of Personnel Public Grievances and Pension (Department of Personnel and Training) has formulated a new scheme named' Assured Career Progression Scheme' for the Central Govt. Civilian Employees vide Office Memrandum No 35034/1/97-Estt(D) Dated 9.8.99. As per said scheme the Govt of India have adopted the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in cadre or in an isolated post. Keeping in view all relevant factors, it has therefore, been decided to grnat two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated Sep 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employee on

Contd 4/-

completion of 12 years and 24 years (Subject to condition No 4 in Annexure I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

A photestat copy of the aforesaid Office Memorandum dated 9.8.99 is annexed herewith and marked as ANNEXURE-'R5' hereof.

8. That this deponent most respectfully submits that under the facts and circumstances stated above this deponent has not violated the Order dated 18.12.96 passed by the Hon'ble Tribunal in any manner as alleged by the petitioner.

9. That the deponent respectfully submits that the promotion of other Applicants senior to him have already been promoted as per provision of the law against the available vancanies on the basis of their seniority and fitness. In the same way now the case of the petitioner is also being considered as his position of seniority has come to the sonsiderable point in proportion to available vanancies. Besides he is now entitled benefits of the 'Assured Carrer Progression Scheme is so far as his claim of higher scale in lieu of promotion is concerned if he fulfills those conditions stipulated in the said scheme. Hence at the pleasure of the Hon'ble Tribunal the instant C.P may kindly be closed.

: VERIFICATION :

I, Major RB Singh, Garrison Engineer, Air Force, Tezpur do hereby solemnly affirm and state that the statements made in verification and those made in paragraphs 1, 2, — of the show cause are true to the best of my knowledge and those made in paragraphs 3, 4, 5, 6, 7 — are true to my information which have been derived from the records and rests are my humbele submission before the Hon'ble Tribunal.

AND I verify and sign this verification this the 26th day of October 1999.

DEPONENT

RB Singh
Major
GE (I) (AF) Tezpur

Annexure R

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr G.Sarma,Addl.C.G.S.C for the respondents.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employed

contd...

Calcutta -21

18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Dated 3/1/97

Memo.No. 74

Copy for information and necessary action to :

1. The Secretary to the Govt.of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C.,CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDI).

CWE Tezpur 65 Annexure R2 312

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command.
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

131841/4/ 636 /Engrs/EID

22 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

5666

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your ION No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

145
05/12

EIR, E7, EID(A)

Annexure R2

66 68

Appendix 'A' to CEEC Calcutta
Letter No.131841/4/636/Engrs/EID
Dated : 22 Nov 97.

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 259 OF 1998
O.A. 284/96

Applicant(s) Union of India & ors
-vs-

Respondent(s) Shri Durgesh Das & ors

Advocate for Applicant(s) Mr. A.K. Choudhury, Addl. C.G.S.C.

Advocate for Respondent(s) Mr. B.C. Pathak

Notes of the Registry	Date	Order of the Tribunal
	19.11.98	There is no representation. Adjourned to 1.12.98. By order
	1.12.98	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.petition is disposed of. SD/- VICE-CHAIRMAN SD/- MEMBER(A)

Annexure R4

Tele ly : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

70860/14/BR/3363/EID

14 Jun 99

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/655/Engrs/EID dated 16 Apr '99 & further to this HQ No 70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~fakkawing~~ indls of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Charduar (Seniority No. 11)
(c) MES/265641 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233292 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~sk~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 16: Under Col 2
For : 265221 : GC Moro
Read: 265221 : GC Boro

Under Col 3
For : SC Read : ST

(c) Against Sl No 25: Under Col 7
For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73

Under Col 9
For : 02.01.75
Read: 01.01.73

.....2/-

EID Section
58
21/6

FN 265
BR

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-85. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Doley)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/(G.S.(S))

MOST IMMEDIATE

No.35034/1/97-Estt(D) (12-70) Annexure R5

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

North Block, New Delhi 110001

August 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

..2/-

-71-

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

-18-

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modifications as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 shall process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....V-

Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of services. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

.....5/-

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financial upgradation under the Scheme shall be given to the next higher grade in line with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical cadres, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

.....6/-

75 47

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director(Establishment)

....7/-

ANNEXURE-II

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE A OF THIS OFFICE MEMORANDUM]

S.No.	[illegible]	[illegible] pay-scales (Rs)
1.	S-[illegible]	[illegible]-3200-60-3200
2.	S-[illegible]	[illegible]-3150-65-3540
3.	S-[illegible]	[illegible]-3300-70-4000
4.	S-[illegible]	[illegible]-70-3600-75-4400
5.	S-5	[illegible]-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	[illegible]-100-6000
8.	S-8	[illegible]-125-7000
9.	S-9	5500-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

GUWAHATI

C.P NO. 26 OF 1999.

IN THE MATTER OF :

A show cause filed by

the Respondent No.4

- AND-

IN THE MATTER OF :

C.P. No 26 of 1999

arising out of Order Dated

18.12.96 passed by the

Hon'ble Tribunal in O.A.

No.284/96 (Sri Duirgesh Ch. Das & Ors

-Vs-

Union of India and Ors).

- AND-

IN THE MATTER OF :

Sri Romel Huda Baruah

- Vs -

4. Col . S.S. Kelkar, Commander,

Works Engineers, Tezpur and 5 ors.

I, Col. S.S. Kelkar, Commander Works Engineers, Tezpur do hereby solemnly affirm and state as follows :-

1. That I am the Commander Works Engineers, Tezpur and I have been impleaded as party Respondent No .4 in the instant C.P. I have received a copy of the said C.P., gone through the same and understood the contents thereof. As such I am well conversant with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

2 That this deponent respectfully states that as a law abiding citizen he has a great respect to the Hon'ble Tribunal. As he has neither violated any judgement and order passed by the Hon'ble Tribunal nor has neglected in implementation of such judgement and order.

3. That as regards the contents of paragraph-1 of the C.P. this deponent respectfully states that the O.A. No.284/96 was filed by Sri Durgesh Ch. Das and others whereby they sought direction for their promotion to the post of Superintendent B/R Gde-II from the post of Sub-Overseer with retrospective effect or to place them in higher pay scale to Gde-II w.e. from the date of their entitlement i.e. on completion of 15 years service in the post of Sub-Overseer . The Hon'ble Tribunal declining to admit the said O.A, disposed

of vide order Dated 18.12.96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A photostat copy of the aforesaid order Dated 18.12.96 is annexed herewith and marked as ANNEXURE-'R1' hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R Gde-II 10% wastage vacancies are to be filled up from Matriculate Sub–Overseers with 15 years service in the grade on the basis of seniority after having been selected by the DPC and subject to granting of integrity certificate by the competent authority.

5. That as regards the contents of paragraph-2 of the C.P. this deponent respectfully states that being the controlling authority of the Applicant in compliance with the order Dated 18.12.96 passed by the Hon'ble Tribunal in the aforesaid O.A , the matter was taken up with the higher authority accordingly his Office addressed a letter to the Head Quarters Chief Engineer, Shillong Zone vide letter No. 1074/295/EIC(I) Dated 11.1.97 furnishing a copy of the Order for further necessary action to the effect.

A copy of the aforesaid letter Dated 11.1.97 is annexed herewith and marked as ANNEXURE-'R2' hereof.

Thus a DPC was convened on 17.10.97 by the competent authority to consider the promotion of the Applicants and a panel of selectees was prepared which was duly circulated vide No.131841/4/636/Engrs/EID dated 22.11.1997. As such on the basis of 10% available wastage vacancies some of the Applicants, viz., Sri Durgesh Ch. Das, Sri S.K. Sengupta and Sri Khagendra Borah have been promoted . However, the name of the instant petitioner was not considered by the DPC since his position of seniority did not come within the ratio of eligible candidates against the available 10% wastage vacancies.

A copy of the panel of the selectees dated 22.11.97 is annexed herewith and marked as ANNEXURE-'R3' hereof

However, as regards the claim of higher scale in lieu of promotion the matter was processed by the competent authority and as it involves policy matter hence approval of the Hon'ble Minister of Defence on behalf of the President of India, concurrence of Ministry of Human Resources as well as Law and Company Affairs is required, as such it has taken sufficient time in arriving at a final decision. At the same time, perhaps it will be not out of place to mention here that the political instability also occurred resulting the collapse of Ministry at the Centre on number of occasions at that point of time which had greatly hampered in the propgress of the process. Considering all these aspects an M.P. for extension of time limit was filed and the Hon'ble Tribunal was pleased to grant extension of time up to 15.1.99 vide order Dated 1.12.98

passed in M.P.No.259/98.

A photostat copy of the aforesaid order Dated 1.12.98 is annexed herewith and marked as ANNEXURE-`R4' hereof.

6. That this deponent most respectfully states that now the name of the Petitioner of the instant C.P. along with some others have been forwarded to the Chief Engineer H.Q. Eastern Command, Fort William, Calcutta so as to convene DPC for their selection and promotion to the post of Superintendent B/R Gde-II by the Office of the H.Q. Chief Engineer, Shillong Zone vide letter No. 70860/14/Br/3363/EID Dated 14.6.99.

A copy of the aforesaid letter Dated 14.6.99. is annexed herewith and marked as ANNEXURE-`R5' hereof.

7. That as regards the claim of higher scale this deponent respectfully states that the Govt. of India in the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) has formulated a new scheme named "Assured Career Progression" scheme for the Central Govt. Civilian Employees vide Office Memorandum No.35034/1/97-Estt(D) Dated 9.8.99. As per said scheme the Govt. of India have adopted the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in cadre or in an isolated post. Keeping in view all relevant factors, it has therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11,1997 (in relation to Group `C' and `D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group`B', `C' and `D' employees on completion of 12 years and 24 years (subject to condition No. 4 in Annexure -I) of regular service respectively. Isolated posts in Group `A',`B',`C' and `D' categories which have no promotional avenue shall also qualify for similar benefits on the pattern indicated above.

A photostat copy of the aforesaid Office Memorandum Dated 9.8.99 is annexed herewith and marked as ANNEXURE-`R6' hereof.

8. That this deponent most respectfully submits that under the facts and circumstances stated above this deponent has not violated the Order Dated 18.12.98 passed by the Hon'ble Tribunal in any manner as alleged by the petitioner.

9. That the deponent most respectfully submits that the promotion of other Applicants senior to him already been effected as per provision of the law against the available vacancies on the basis of their seniority and fitness. In the same way now the case of the petitioner is also being considered as his position of seniority has come to the considerable point in proportion to available vacancies. Besides, he is now entitled benefits of the "Assured Career Progression " scheme in so far his claim of higher scale in lieu of promotion is concerned if he fulfills those conditions stipulated in the said Scheme. Hence at the pleasure of the Hon'ble Tribunal the instant C.P may kindly be closed.

:VERIFICATION:

I, Col S.S. Kelkar, Commander Works Engineers, Tezpur do hereby solemnly affirm and state that the statements made in verification and those made in paragraphs 1, 2 of the show cause are true to the best of my knowledge and belief and those made in paragraphs 3, 4, 5, 6, 7 are true to my information which have been derived from the records and rests are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this 8th day of November, 1999.

(S S KELKAR)
Col

DEPONENT.

Annexure R

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr.Mr G.Sarma,Addl.C.G.S.C for respondenets.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employ

contd...

Calcutta -21

18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Dated 3/1/97

Memo.No. 74

Copy for information and necessary action to :

1. The Secretary to the Govt. of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C., CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDL).

CWE Tezpur — Annexure R2 312

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

131841/4/ 636 /Engrs/EID

22 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

5666

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074/

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your IOM No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

145/ 08/12

EIR, E7, EID(A)

-84 Annexure R2

Appendix 'A' to CEEC Calcutta
Letter No.131841/4/636/Engrs/EID
Dated : 22 Nov 97.

90

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 259 OF 199 8
O.A. 284/96

Applicant(s) Union of India & ors
-vs-

Respondent(s) Shri Durgesh Das & ors

Advocate for Applicant(s) Mr. A.K. Choudhury Addl. C.G.S.C

Advocate for Respondent(s) Mr. B.C. Poiswal

Notes of the Registry	Date	Order of the Tribunal
	19.11.98	There is no representation. Adjourned to 1.12.98. By order
	Lands 1.12.98 Misc	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of. SD/- VICE-CHAIRMAN SD/- MEMBER(A)

Annexure RA 1258 262

Tele Ply : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

14 Jun 99

70860/14/BR/3363/EID

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/656/Engrs/EID dated 16 Apr '99 & further to this HQ No.70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~fakkawing~~ indls of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Chardwar (Seniority No. 11)
(c) MES/265341 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233292 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~ss~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 15: Under Col 2
For : 265221 : GC Moro
Read: 265221 : GC Boro

Under Col 3
For : SC Read : ST

(c) Against Sl No 25: Under Col 7
For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73

Under Col 9
For : 02.01.75
Read: 01.01.73

.....2/-

EID Section 58 21/6

FN 265 BR

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-85. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Doley)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/(1-(S)) 88 MOST IMMEDIATE

Annexure R5

No.35034/1/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August, 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a '*Safety Net*' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

..2/-

Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modifications as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, [illegible] shall process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....2/-

ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

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1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

.....5/-

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Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of services. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

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financial upgradation under the Scheme shall be given to the next higher grade in case with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical structures, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account to reach the required 12 years of regular service in that higher grade.

.....6/-

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11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director(Establishment)

....7/-

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ANNEXURE-II

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STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE A-2 THIS OFFICE MEMORANDUM]

S.No.	Pay scales	Pay scales (Rs)
1.	S-1	[illegible]-60-3200
2.	S-1	[illegible]-3450-65-3540
3.	S-3	[illegible]-65-3300-70-4000
4.	S-4	[illegible]-70-3800-75-4400
5.	S-5	[illegible]-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	[illegible]-100-6000
8.	S-8	[illegible]-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::::GUWAHATI BENCH

GUWAHATI

CP. NO. 26 OF 1999

IN THE MATTER OF :

A show cause filed by

The Respondent No.5

-AND-

IN THE MATTER OF :

C.P.No.26 of 1999

arising out of Order Dated

18.12.96 passed by the

Hon'ble Tribunal in O.A.

No.284/96(Shri Durgesh Ch. Das & Ors

-Vs-Union of India and Ors).

-AND-

IN THE MATTER OF :

Shri Romel Huda Baruah

-Vs-

5. Maj Ashokan G.

Garrison Engineer, Tezpur

Filed by Maj Ashokan G. RESPDT No.5 through Advocate

I Major Ashokan G, Garrison Engineer, Tezpur do hereby solemnly affirm and state as follows :-

1. That I am the Garrison Engineer, Tezpur and I have been impleded as party Respondent No.5 in the instant C.P. I have received a copy of the said C.P.,gone through the same and understood the contents thereof. As such I am well conversant with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

....2/-

2. That this deponent respectfully states that as a law abiding citizen he has a great respect to the Hon'ble Tribunal. As such he has neither violated any judgment and order passed by the Hon,ble Tribunal nor has neglected in implementation of such judgment and order.

3. That as regards the contents of paragraph-1 of the C.P.this deponent respectfully states that the O.A. No 284/96 was filed by Shri Durgesh Ch.Das and others whereby they sought direction for their promotion to the post of Superintendent B/R Gde-II from the post of Sub-Overseer with respective effect or to place them in higher pay scale to GDE-II w.e. from the date of their entitlement i.e. on completion of 15 years service in the post of Sub-Overseer. The Hon,ble Tribunal declining to admit the said O.A. disposed of vide order dated 18.12.96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A Photostat copy of the aforesaid order dated 18.12.96 is annexed herewith and marked as ANNEXURE-'R[1]' Hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R GDE-II,10% wastage vacancies are to be filled up from Matriculate Sub-Overseers with 15Years service in the grade as the basis of seniority after having been selected by the DPC and subject to granting of integrity certificate by the competent authority.

5. That as regards the contents of paragraph-2 of the C.P. this deponent respectfully states that he being the controlling authority of the Applicants in compliance with the order Dated 18.12.96 passed by the Hon'ble Tribunal in the aforesaid O.A. the matter was taken up with the higher authority and accordingly his Office addressed a letter to the Head Quarters Chief Engineer, Shillong Zone vide CWE letter No 1074/295/EIC(I) Dated 11.1.97 furnishing a copy of the Order for further necessary action to the effect.

A copy of the aforesaid letter Dated 11.1.97 is annexed herewith and marked as ANNEXURE'R[2]' hereof.

...3/-

Thus a DPC was convened on 17.10.97 by the competent authority to consider the promotion of the Applications and a panel of selectees was prepared which was duly circulated vide No 131841/4/636/Engrs/EID dated 22.11.1997. As such on the basis of 10% available wastage vacancies some of the Applications, viz. Shri Durgesh Ch.Das Shri SK Sengupta and Shri Khagendra Borah have been promoted. However, the name of the instant petitioner was not considered by the DPC since his position of seniority did not come within the ratio of eligible candidates against the available 10% wastage vacancies.

A copy of the panel of the selectors dated 22.11.97 is annexed herewith and marked as ANNEXURE 'R[3]' hereof.

However, as regards the claim of higher scale in lieu of promotion the matter was processed by the competent authority and as it involves policy matter hence approval of the Hon,ble Minister of Defence on behalf of the President of India concurrence of Ministry of Human Resources as well as Law and Company Affairs is required, as such it has taken sufficient time in arriving at a final decision. At the same time, perhaps it will be not out of place to mention here that the political instability also occurred resulting in the collapse of Ministry at the Center on number of occasions at that point of time which had greatly hampered in the progress of the process. Considering all these aspects and M.P. for extension of time limit was filed and the Hon'ble Tribunal was pleased to grant extension of time up to 15.1.99 vide order dated 1.12.98 passed in M.P. No 259/98.

A Photostat copy of the aforesaid order dated 01.12.98 is annexed herewith and marked as ANNEXURE-'R[4]' hereof.

6. That the deponent most respectfully states that now the name of the Petitioner of the instant C.P. along with some others have been forwarded to the Chief Engineer HQ Eastern Command, Fort William, Calcutta so as to convene DPC for their selection and promotion to the post of Superintendent B/R Gde-II by the Office of the HQ Chief Engineer, Shillong Zone vide letter No 70860/14/Br/3363/E1D Dated 14.6.99.

A Photostat copy of the aforesaid order dated 14.6.99 is Annexed herewith and marked as ANNEXURE-'R[5]' hereof

...4/-

7. That as regards the claim of higher pay scale this deponent respectfully states that the Govt of India in the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) has formulated a new scheme named 'Assured Carrier Progression Scheme' for the Central Govt Civilian Employees vide Office Memorandum No 35034/1/97-Estt(D) Dated 09.8.99. As per said scheme the Govt of India have adopted the ACP Scheme in a modified form to mitigate hardship in case of acute stagnation either in cadre or in an isolated post. Keeping in view all relevant factors it has therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11.1997 in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition No 4 in Annexure-I) of regular service respectively. Isolated posts in Group'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

A Photostat copy of the aforesaid Office Memorandum Dated 09.8.99 is annexed herewith and marked as ANNEXURE-'R[6]' hereof.

8. That this deponent most respectfully submits that under the facts mad circumstances stated above this deponent has not violated the Order dated 18.12.96 passed by the Hon'ble Tribunal in any manner as alleged by the petitioner.

9. That the deponent respectfully submits that the promotion of other Application senior to him have already been promoted as per provision of the law against the available vacancies on the basis of their seniority and fitness. In the same way now the case of the petitioner is also being considered as his position of seniority has come to the considerable point in proportion to available vacancies Besides he is now entitled benefits of the Assured Career Progression Scheme is so far as his claim of higher scale in lieu of promotion is concerned if he fulfills those conditions stipulated in the said scheme. Hence at the pleasure of the Hon'ble Tribunal the instant C.P. may kindly be closed.

...5/-

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VERIFICATION

I, Major Ashokan G, GE Tezpur do hereby solemnly affirm and state that the statements made in verification and those made in paragraphs 1, 2 of the show cause are true to the best of my knowledge and those made in paragraphs 3, 4, 5, 6, 7 — are true to my information which have been derived from the records and rests are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this the day of November 1999.

DEPONENT

[illegible]
Major
Garrison Engineer, Tezpur

Annexure R1

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr G.Sarma,Addl.C.G.S.C for the respondents.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employed

contd...

Calcutta -21

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18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Memo.No. 74 Dated 3/1/97

Copy for information and necessary action to :

1. The Secretary to the Govt.of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C.,CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDL).

CWE Tezpur 5/03 Annexure R2 312

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

168

131841/4/ 636 /Engrs/EID

12 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

5666

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your ION No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

145 05/12

EIR, E7, EID(A)

104

Annexure R2

Appendix 'A' to CEEC Calcutta
Letter No.131841/4/636/Engrs/EID
Dated : 22 Nov 97.

109

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 259 OF 199 8
O.A. 284/96

Applicant(s) Union of India & ors
-vs-

Respondent(s) Shri Durgesh Das & ors

Advocate for Applicant(s) Mr. A.K. Choudhury, Addl. C.G.S.C

Advocate for Respondent(s) Mr. B.C. Poiswal

Notes of the Registry	Date	Order of the Tribunal
	19.11.98	There is no representation. Adjourned to 1.12.98. By order
	1.12.98	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of. SD/-VICE-CHAIRMAN SD/-MEMBER(A)

Annexure RA

Tele Mly : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

70860/14/BR/3363/EID

14 Jun 99

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/655/Engrs/EID dated 16 Apr '99 & further to this HQ No.70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~following~~ indls of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Chardwar (Seniority No. 11)
(c) MES/265541 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233292 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~st~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 15: Under Col 2
For : 265221 : GC Moro
Read: 265221 : GC Boro

Under Col 3
For : SC Read : ST

(c) Against Sl No 25: Under Col 7
For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73

Under Col 9
For : 02.01.75
Read: 01.01.73

.....2/-

EID Section
58
21/6

FN 1302/265

-107-

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-85. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Dolay)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/(1-(S)) -13- 108 MOST IMMEDIATE

Annexure R5

No.35034/1/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

..2/-

Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modifications as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, [illegible] shall process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....3/-

ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of services. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1030 copies

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-ancial upgradation under the Scheme shall be given to the next higher grade in ... with the existing hierarchy in a cadre/category of posts without creating new posts ... the purpose. However, in case of isolated posts, in the absence of defined hierarchical ... financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in ... with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 ... Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme will be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted according to the existing hierarchical structure only;

... The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

... On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit will accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

... Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified willingness for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account to reach the required 12 years of regular service in that higher grade.

...

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11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director(Establishment)

-7- 19 114

ANNEXURE-II

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STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997.

[REFERENCE PARA 7 OF ANNEXURE A-2 THIS OFFICE MEMORANDUM]

S.No.	[illegible]	[illegible] pay scales (Rs)
1.	[illegible]	[illegible]-3060-60-3200
2.	[illegible]	[illegible]-3150-65-3540
3.	[illegible]	[illegible]-3300-70-4000
4.	[illegible]	[illegible]-70-3800-75-4400
5.	S-5	[illegible]-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	[illegible]-100-6000
8.	S-8	[illegible]-125-7000
9.	S-9	5500-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

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Central Administrative Tribunal
26 NOV 1999
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : : : : GUWAHATI BENCH

GUWAHATI

C.P. NO. 26 OF 1999

IN THE MATTER OF :

A show cause filed by

the Respondent No 6

- AND -

IN THE MATTER OF :

C.P. No. 26 of 1999

arising out of Order

Dated 18.12.96 passed

by the Hon'ble Tribunal

in O.A. No 284/96

(Sri Durgesh Ch Das & ors

- Vs -

Union of India & ors)

- AND -

IN THE MATTER OF :

Sri Romel Huda Baruah

- Vs -

6. Maj Sital Singh

Garrison Engineer, Missamari

and 5 ors

Filed by Maj Sital Singh RESPDT. NO. 6

Through Bhabananda Baruah Advocate Ad. Case, CAT.

I, Major Sital Singh, Garrison Engineer, Missamari do hereby solemnly affirm and state as follows :

1. That I am the Garrison Engineer, Missamari and I have been impleaded as party Respondent No 6 in the instant C.P. I have received a copy of the said C.P. , gone through the same and understood the contents thereof. As such I am well conversant with the facts and circumstances of the instant case and competent to file this show cause as directed by the Hon'ble Tribunal.

2. That this deponent respectfully states that as a law abiding citizen he has a great respect to

the Hon'ble Tribunal. As he has neither violated any judgment and order passed by the Hon'ble Tribunal nor has neglected in implementation of such judgment and order.

3. That as regards the contents of paragraph-1 of the C.P. this deponent respectfully states that the O.A.No 284/96 was filed by Durgesh Ch Das and others whereby they sought direction for their promotion to the post of Superintendent B/R Gde -II from the post of Sub-Overseer with retrospective effect or to place them in higher pay scale to Gde-II w.e. from the date of their entitlement i.e. on completion of 15 years service in the post of Sub-Overseer. The Hon'ble Tribunal declining to admit the said O.A. disposed of vide order Dated 18.12.96 with a direction to dispose of the pending representation of the Applicants within a period of 3 months from the date of receipt of the order.

A photostat copy of the aforesaid order dated 18.12.96 is annexed herewith and marked as ANNEXURE-R1 hereof.

4. That this deponent respectfully states that as per policy on promotion in respect of Superintendent B/R Gde-II, 10% wastage vacancies are to be filled up from Matriculate Sub-Overseers with 15 years service in the grade on the basis of seniority after having been selected by the DPC and subject to granting integrity certificate by the competent authority.

5. That as regards the contents of paragraph-2 of the C.P. this deponent respectfully states that he being the controlling authority of the Petitioner/Applicant in compliance with the order Dated 18.12.96 passed by the Hon'ble Tribunal in the aferesaid O.A. the matter was taken up with his higher authority immediately on receipt of the said order. Accordingly a DPC was convened on 17.10.97 by the competent authority to consider the promotion of the Applicant and a panel of selectees was prepared which was duly circulated vide HQ Eastern Command letter No 131841/4/636/Engrs/E1D Dated 22.11.1997. Thus on the basis of 10% available wastage vacancies some of the Applicants, viz., Sri Durgesh Ch Das, Sri S.K. Sengupta and Sri Khagendra Borah have been promoted. However, the name of the instant petitioner was not considered by the DPC since his position of seniority did not come within the ratio of eligible candidates against the available 10% wastage vancancies.

A panel of the selectees dated 22.11.97 is annexed herewith and marked as ANNEXURE-R2.

However, as regards the claim of higher scale in lieu of promotion the matter was processed

by the competent authority and as it involves policy matter hence approval of the Hon'ble Minister of Defence on behalf of the president of India, concurrence of Minstry of Human Resourses as well as Law and Affirs is required, as such it has taken sufficient time in arriving at final decision. At the same time, perhaps it will be not out of place to mention that the political instability also occurred resulting the collapse of Ministry at the Centre on number of occasions at that point of time which had greatly hampered in the progress of the process. Considering all these aspects an M.P. for extension of time limit was filed by the concerned authority and the Hon'ble Tribunal was pleased to grant extension of time up to 15.1.99 vide order Dated 1.12.98 passed in M.P.No. 259/98.

A photostat copy of the aforesaid order dated 1.12.98 is annexed herewith and marked as ANNEXURE-R3 hereof.

6. That the deponent most respectfully states that now the name of the Petitioner of the instant C.P. along with some others have been forwarded to the Chief Engineer HQ Eastern Command, Fort William, Calcutta so as to convene DPC for thier selection and promotion to the post of Superintendent B/R Gde-II by the Office of the HQ Chief Engineer, Shillong Zone vide letter No 70860/14/Br/3363/E1D Dated 14.6.99.

A photostat copy of the aforesaid order dated 14.6.99 is annexed herewith and marked as ANNEXURE-R4 hereof

7. That as regards the calim of higher pay scale this deponent respectfully states that the Govt of India in the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) has formulated a new scheme named 'Assured Career Progression Scheme' for the Central Govt Civilian Employees vide Office Memorandum No 35034/1/97-Estt(D) Dated 9.8.99. As per said scheme the Govt of India have adopted the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in cadre or in an isolated post. Keeping in view all relevant factors it has therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11.1997 in relation to Group 'C' and 'D' employees)

entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition No 4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categeres which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

A photostat copy of the aforesaid Ofice Memorandum Dated 9.8.99 is annexed herewith and marked as ANNEXURE-R5 hereof.

8 That this deponent most respectfully submits that under the facts mad circumstances stated above this deponent has not violated the Order dated 18.12.96 passed by the Hon'ble Tribunal in any manner as alleged by the petitioner.

9. That the deponent respectfully submits that the promotion of other Application senier to him have already been promoted as per provision of the law against the available vacancies on the basis of their seniority and fitness. In the same way now the case of the petitioner is also being considered as his position of seniority has come to the considerable point in proportion to available vacancies Besides he is now entitled benefits of the Assured Career Progression Scheme is so far as his claim of higher scale in lieu of promotion is concerned if he fulfills those conditions stipulated in the said scheme. Hence at the pleasure of the Hon'ble Tribunal the instant C.P. may kindly be closed.

VERIFICATION :

I, Major Sital Singh, GE Missamari do hereby solemnly affirm and state that the statements made in verification and those made in paragraphs 1, 2 of the show cause are true to the best of my knowledge and those made in paragraphs 3, 4, 5, 6, 7 — are true to my information which have been derived from the records and rests are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this the day of November 1999.

DEPONENT

Annexure R1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::::::::::GUWAHATI

O.A.No.284/96

Durgesh Ch.Das & Ors. ... Applicants.

Versus

Union of India & Ors. ... Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE,MEMBER(A)

For the Applicants : Mr.S.C.Biswas &
Mr.K.Bhattacharjee, Advocates.

For the Respondents: Mr.G.Sarma, Addl.C.G.S.C.

18.12.96 Mr K.Bhattacharjee for the applicant. ~~None for the respondents~~ Mr.G.Sarma,Addl.C.G.S.C for the respondenets.

Permission to join together in this single application has been allowed vide order of today in Misc.Petition No.217/96.

Heard Mr Bhattacharjee for admission. The applicants are civilian Defence employees of Military Engineer Service employed

contd...

Calcutta -21

119

18.12.96 as Sub-Overseer(Grade III)under the respondents in the pay scale of Rs.975-1540/-. In this application they pray to promote them to the next higher grade namely, Superintendent B/R Grade II, with retrospective effect/or to place them in higher pay scale of Grade-II with effect from the date of their entitlement i.e. on completion of 15 years of service keeping in view of the decision of Central Administrative Tribunal, Bangalore Bench in O.A.No.1337/94 and other connected O.As vide Judgment and order dated 31.3.95 and 15.6.95. On perusal of the application and after hearing Mr Bhattacharjee it appears that the applicants have submitted representations as annexed to this O.A. to the competent authorities to consider for time bound pay scale as provided in the rules in the organisation. These representations are pending disposal before the competent authorities. In the circumstances I consider that the application is not to be admitted for scrutiny and decision by the Tribunal at this stage but it is to be disposed of with a direction to the respondents. Therefore the application is disposed of with a direction to the respondents to dispose of the representations of the applicants within 3 months from the date of receipt copy of this order.

The applicants will be at liberty to approach this Tribunal again without prejudice to the contentions raised in this present application, if they are still aggrieved with the order of the competent authority on disposal of their representations.

The Application is disposed of. No order as to costs.

Sd/- MEMBER(A)

Memo.No. 74 Dated 3/1/97

Copy for information and necessary action to :

1. The Secretary to the Govt.of India, Ministry of Defence, (Engineer-in-Chief's Branch), Army Head Quarters, New Delhi.
2. The Chief Engineer, Eastern Command, H.Q.Calcutta.
3. The Chief Engineer(Shillong Zone), Spread Eagle Falls, Shillong.
4. Commanders Works Engineer, Tezpur.
5. Commander Work Engineer, Jorhat.
6. Garrison Engineer, Tezpur.
7. Garrison Engineer (Air Force), Tezpur.
8. Garrison Engineer(Missamari), Missamari.
9. Mr.K.Bhattacharjee, Advocate,Gauhati High Court,Guwahati.
10. Mr.G.Sarma, Addl.C.G.S.C., CAT, Guwahati Bench.

7/1/97

SECTION OFFICER(JUDL).

CWE Tezpur — Annexure R2

Tele : FW 2526

Purv Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Calcutta - 21

131841/4/ 636 /Engrs/EID

12 Nov 97

C E Shillong Zone, Shillong-11
C E (AF) Shillong Zone, Shillong-9
C E Calcutta Zone, Calcutta-19
C E Siliguri Zone, Sevoke Road
C E (OFB) Civil Engg Cell, Cal-1
C E R&D Picket, Secunderabad-3
Comdt ESD Kankinara

5666

PANEL FOR PROMOTION SUB OVERSEER TO SUPDT B/R GDE-II

1. On the recommendation of the DPC held on 17 Oct 97 and subsequent days and approval of CE Command, the Sub Overseers shown in Appendix 'A' to this letter have been selected for promotion to Supdt. B/R Grade-II.

2. The Panel will be operative upto and including 21 Nov 98 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.

3. Actual appointment of individuals included in the panel will be made in the order shown therein subject to availability of vacancies and issue of orders for appointment/promotion.

1074

(Satnam Singh)
Lt Col
SO I (Pers)
For Chief Engineer

Enclo : Appendix 'A'

Copy to:-

Engineer-in-Chief's Branch/EIR(Sub)
Army Headquarters
DHQ PO, New Delhi-110011

CDA Patna, CDA Guwahati, AAO Shillong, AAO Siliguri, AAO Calcutta

Concerned CsWE/GE's/AGE's(I)/CDS (I)

Internal:-

EIC (I) Section :- Ref to your ION No.131303/1/1646/Engrs/EIC(I) dated 23 Jun 97. Please intimate duty station to enable us to issue promotion-cum-posting order at the earliest.

EIR, E7, EID(A)

121 Annexure R2

Appendix 'A' to CEEC Calcutta
Letter No.131841/4/636/Engrs/EID
Dated : 22 Nov 97.

127

PANEL OF SUB OVERSEER SELECTED FOR PROMOTION TO SUPDT B/R GRADE-II

Sl.No.	MES No and Name	Remarks
	S/Shri	
1.	232909 S K Sengupta	
2.	232908 D C Das	
3.	228303 Subimal Roy	
4.	232943 R S Das	
5.	229030 K K Bhattacharjee	
6.	207129 P K Sanyal	
7.	233223 Khagendra Borah (SC)	

(Total Seven only)

(Satnam Singh)
Lt Col
SO I(Pers)
For Chief Engineer

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 259 OF 199 8
O.A. 284/96

Applicant(s) Union of India & others

Respondent(s) [illegible]

Advocate for Applicant(s) Mr. A.P. Chakraborty, Addl. C.G.S.C.

Advocate for Respondent(s) Mr. B.C. Pathak

Notes of the Registry	Date	Order of the Tribunal
	19.11.98	There is no representation. Adjourned to 1.12.98.
	Lands 1.12.98	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. This petition has been filed by the Union of India and others praying inter alia for extension of 2 months time to implement the order dated 18.12.96 passed in O.A.284/96. There is no representation on behalf of the opposite party. Time allowed till 15.1.1999 to implement the order. Misc.Petition is disposed of.

SD/- VICE-CHAIRMAN
SD/- MEMBER(A)

Annexure RA

Tele Mly : 6015

SPEED POST
Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793 011

70860/14/BR/3363/EID

14 Jun 99

Chief Engineer
HQ Eastern Command
Fort William
Calcutta - 21

COMMAND SENIORITY LIST OF SUB OVERSEER

1. Reference your HQ letter No 131641/4/656/Engrs/EID dated 16 Apr '99 & further to this HQ No 70860/14/BR/SAT/EID dated 12 Jun '99

2. Integrity certificates alongwith verified seniority particulars in respect of the following ~~following~~ indls of this Zone are forwarded herewith for your further necessary action please :-

(a) MES/234984 Shri N Daimari of GE Tezpur (Seniority No. 07)
(b) MES/265202 Shri MC Boro of AGE (I)Chardwar (Seniority No. 11)
(c) MES/265341 Shri G K Nath of -do- (Seniority 12)
(d) MES/233331 Shri A Sengupta of GE Tezpur (Seniority No. 13)
(e) MES/234759 Shri B N Thakur of GE 859 EWS (Seniority No. 14)
(f) MES/265221 Shri G C Boro of GE Missamari (Seniority No. 15)
(g) MES/265344 Shri N Choudhury of GE 859 EWS (Seniority No. 20)
(h) MES/233292 Shri H K Borah of GE Tezpur (Seniority No. 24)
(j) MES/265284 Shri B P Bhattacharjee of GE Tezpur (Seniority No. 25)
(k) MES/234780 Shri R H Baruah of GE Missamari (Seniority No. 30)

3. The following discrepancies noticed in ~~th~~ your seniority list of Sub-Overseer forwarded vide your HQ letter under reference for further action :-

(a) Against Sl No 11: Under Col 2: For :265282:MC Moro
Read :265202:MC Boro

(b) Against Sl No 15: Under Col 2
For : 265221 : GC Moro
Read: 265221 : GC Boro

Under Col 3
For : SC Read : ST

(c) Against Sl No 25: Under Col 7
For : S/Overseer 02.01.75
Read: S/Overseer 01.01.73

Under Col 9
For : 02.01.75
Read: 01.01.73

.....2/-

EID Section
58
21/6

FN 265
302

4. Further, it is stated that srl No. 1 of Seniority list MES/232795 Shri Mitra Dev Mahanta, S/Overseer of CWE Tezpur area is long absentee wef 04-11-86. Hence, Integrity certificate and seniority particulars not forwarded.

(A K Deley)
AO II
for Chief Engineer

Encl : 2 Sheets.

Copy to :-

CWE Tezpur - For information wrt. his letter No. 1167/6/260/EID dated 07 Jun '99.

333/R/(1:(S/1) -82 -125 MOST IMMEDIATE

Annexure R5

No.35034/1/97-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

-131

North Block, New Delhi 110001

August, 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant *two financial upgradations* (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of *12 years* and *24 years* (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

..2/-

Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, [illegible] shall process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authority shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....3/-

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ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

133.

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

.....5/-

Ministries/Departments are advised to explore the possibility of effecting savings so as minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of services. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

125

Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/corporate) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account to reach the required 12 years of regular service in that higher grade.

.....6/-

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these [illegible] shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director (Establishment)

....11

-7- 181 131

ANNEXURE-II

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF CAB/PUBLIC/2 THIS OFFICE MEMORANDUM]

S.No.	[illegible]	[illegible] pay scales (Rs)
1.	S-[illegible]	[illegible]-60-3200
2.	S-[illegible]	[illegible]-65-3540
3.	S-5	[illegible]-70-4000
4.	S-[illegible]	[illegible]-75-4400
5.	S-5	[illegible]-80-4590
6.	S-6	5500-85-4900
7.	S-7	[illegible]-100-6000
8.	S-8	[illegible]-125-7000
9.	S-9	5500-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300