

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**MA No.593/2017
OA No.81/2015
MA No.52/2015**

New Delhi, this the 20th day of February, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)**

Surender Dev Gaur (TGT)

Age about 58 years

S/o Late Shri Tula Ram Gaur

R/o 261-A, Jamia Nagar

New Delhi – 110 025.

.... Applicant

(By Advocate: Shri Sachin Chauhan)

VERSUS

1. Govt. of N.C.T.D
Through Chief Secretary Education
New Sachivalaya, I.P.Estate
New Delhi.
2. The Director of Education
Directorate of Education
Govt. of NCTD, Old Secretariat
Delhi – 110 054.
3. The Assistant Director of Education (E-II)
Govt. of NCT of Delhi
Directorate of Education
Establishment-II Branch
Old Secretariat, Delhi – 110 054.
4. The Director (Local Body)
Civic Centre
Dr. Shyama Prasad Mukerjee Marg
Delhi.
5. The Dy. Director of Education
District: South Defence Colony
New Delhi.
6. The Commissioner
North Zone
MCD Civic Centre
Shyama Prasad Mukerjee Marg
New Delhi.

7. The Commissioner
 East Zone
 MCD
 Udyog Bhawan
 Patparganj
 New Delhi. Respondents.

(By Advocate: Shri K.M.Singh)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

Heard both sides.

2. The applicant, who is a TGT (Hindi) under the respondents, filed the OA seeking the following reliefs :-

"8.1 To direct the respondents that applicant be considered for grant of benefit of second ACP scheme w.e.f.16.07.04 on the basis of the available ACR as per law and if found fit then the Applicant be granted the benefit of 2nd ACP Scheme in the pay scale of 6500-10500 w.e.f.16.07.04 with all consequential benefit and arrears with interest.

8.2 To award costs of the proceedings in favour of applicant.

8.3 Pass any other order (s), which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case."

3. During the pendency of the OA, the applicant retired, on attaining the age of superannuation on 31.03.2016.

4. The respondents vide their counter stated that since the relevant ACRs of the applicant were missing at the relevant time, II ACP benefit was not granted to him on the due date, however, subsequently in pursuance of the circular dated 05.12.2005 they have approved to grant the benefits of 2nd ACP to the applicant. Though, the respondents approved to grant the 2nd ACP benefits, which was the prayer in the OA, they have not passed the order to that effect till date.

5. The respondents prays for dismissal of the OA on the ground of laches. Since the dispute is non-granting of 2nd ACP benefits, which is a continuous cause of action, the said contention of the respondents is rejected.

6. In the circumstances, the OA is disposed of by directing the respondents to grant the 2nd ACP benefits to the applicant, with all consequential benefits with effect from the due date, however, without any interest. The respondents shall complete this exercise within three months from the date of receipt of a copy of this order.

7. In view of the final disposal of the OA, the MAs which are pending, if any, stand disposed of. No costs.

(P.K.BASU)
Member (A)

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(V. AJAY KUMAR)
Member (J)