

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 958/2013
MA 737/2013

Reserved on: 2.08.2016
Pronounced on: 10.08.2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Shri Swatantra Kumar S/o Shri Bhagwant Kishore
R/o plot no.A-33/ Flat no. B-3,
Shalimar Garden Ext-II,
Sahibabad, Ghaziabad ... Applicant

(Through Shri Prakash Khandelwal, Advocate)

Versus

North Delhi Municipal Corporation
Through It's Commissioner
Civic Center, Minto Road,
New Delhi-110002 ... Respondents

(Through Shri R.K. Shukla, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

The applicant was appointed as Assistant Librarian on 15.06.1970 in Municipal Corporation of Delhi (MCD). He was granted senior scale of Rs.1400-2600 with effect from 1.01.1986 and another senior scale of Rs.5000-8000 with effect from 1.01.1996. Vide order dated 17.12.2002, the pay scale of Rs.5000-8000 was upgraded to Rs.5500-9000. The applicant retired on 31.01.2002. He has now approached this Tribunal

claiming benefits of office order dated 1.11.2011 issued by MCD.

Prayers made are as follows:

"It is therefore respectfully prayed that this Hon'ble Tribunal may be pleased to direct the respondent to make payment of arrears to the applicant by upgrading his pay scale from Rs.5000-150-8000 to Rs.5500-9000 w.e.f. 1.01.1996 and from Rs.5000-150-8000 to Rs.7500-12000 w.e.f. 9.08.1999."

2. The applicant claims that since he possesses the necessary qualification for promotion as School Inspector, he is entitled to enhancement in the pay scale of Rs.7500-12000 with effect from 9.08.1999.

3. The respondents have raised a preliminary objection that this OA is badly time barred as the applicant retired from service in 2002 and now after a gap of 12 years, he has filed the present OA. It is further pointed out that as per para 4.1 of the OA, the applicant has already been granted two upgradations, which he was entitled to and he retired from service on 31.01.2002. Only two financial upgradations were to be granted under the Assured Career Progression Scheme (ACPS).

4. We have heard the learned counsel for the parties and gone through the pleadings available on record.

5. By his own admission, as pointed out by the respondents, the applicant in para 4.1 has stated that he was granted two upgradations. The circular dated 1.11.2011 refers to those teachers who were upgraded in the pay scale of Rs.6500-10500 and are now to be granted pay scale of Rs.7500-12000.

6. Admittedly, the applicant was not in the pay scale of Rs.6500-10500. He has not been able to demonstrate how circular dated 1.11.2011 is applicable in his case.

7. We are, therefore, of the opinion that the OA is completely misplaced and deserves to be dismissed. It is hence dismissed.

No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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