

**Central Administrative Tribunal
Principal Bench**

**OA No.2432/2014
MA No.2031/2014**

New Delhi, this the 7th day of April, 2017

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

Smt. Ved Kaur,
W/o Late Mohinder Singh,
R/o H.No.208, Village Ladpur,
New Delhi-110081.

...Applicant

(By Advocate : Shri S.M. Dalal)

Versus

Commissioner,
North Municipal Corporation of Delhi,
Civic Centre, Minto Road,
New Delhi.

...Respondent

(By Advocate : Shri R.K. Jain)

ORDER (ORAL)

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

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The MA filed by the applicant seeking condonation of delay is allowed.

OA No.2432/2014

2. The issue here is that the applicant who was a Gunman with the respondents has been granted the first ACP by the respondents in the next hierarchy of scale whereas the hierarchy of post is

Gunman, Security Supervisor and then Assistant Security Officer and according to the ACP scheme, upgradation has to be granted in the scale applicable to the post next in the hierarchy of promotion.

Therefore, the following prayer has been made in the OA : -

- “(a) Quash the impugned order dated 13.12.2011 passed by Respondent being arbitrary.
- (b) Direct the respondent to pay 1st ACP to the applicant w.e.f. 09.08.1999 in the pay scale of Rs.4500-7000, pre revised and MACP w.e.f. 01.09.2008 in the scale of Rs.5500-9000.
- (c) Direct the respondents to pay interest @ 12% on the arrears of the above financial up gradation.
- (d) Impose exemplary costs against the respondent and in favour of the applicant.
- (e) Any other such relief, orders or directions which the Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the case be also passed.”

3. The respondents in their reply have stated that the husband of the applicant cannot be granted the upgradation as Security Supervisor as he did not possess the requisite qualification. However, the husband of applicant has been granted ACP which is not denied by the respondents. Having granted the ACP, they cannot grant the ACP upgradation in the wrong scale. Therefore, the OA is allowed with a direction to the respondents to grant the husband of applicant first upgradation under ACP in the pay scale of the next hierarchical post, namely, that of Security

Supervisor within 60 days from the date of receipt of a certified copy of this order. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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