

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A. No. 2549/2012

New Delhi, this the 7<sup>th</sup> day of April, 2016.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN  
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Satish Kumar Garg  
S/o Shri R.S. Garg  
R/o RZ-44, Gali No.6,  
Gitanjali Park, West Sagarpur,  
New Delhi 110046.

... Applicant

(By Advocate : Shri Rajiv Manglik)

Versus

1. The Secretary  
Ministry of Labour  
Shram Shakti Bhawan,  
New Delhi 110 001.

2. The Director General,  
Employees' State Insurance Corporation,  
Panchdeep Bhavan,  
Kota Road, New Delhi.

... Respondents

(By Advocate : Ms. Sonam Anand for Shri Yakesh Anand)

**ORDER (ORAL)**

**By Mr. Justice Permod Kohli**

The grievance of the applicant is non-grant of 1<sup>st</sup> ACP and 2<sup>nd</sup> ACP from the due dates allegedly on the basis of below benchmark ACRs. First ACP has been granted w.e.f. 01.04.2009 and MACP w.e.f. 29.04.2012, whereas the applicant is claiming the benefit of 1<sup>st</sup> ACP w.e.f. 29.09.2001 and MACP w.e.f. 29.09.2009. Since below benchmark ACRs were not communicated to the applicant and the

stand of the respondents is that the same were not required to be communicated, this Tribunal vide its order dated 27.08.2014, permitted the applicant to make a representation against below benchmark ACRs. The representation made by the applicant has been rejected vide order dated 18.03.2015.

2. The order rejecting the representation having been passed during the pendency of this O.A., learned counsel for the applicant seeks to withdraw this O.A. with liberty to file a fresh comprehensive O.A. challenging the order of rejection of ACRs as well.

3. In this view of the matter, the prayer of the learned counsel is allowed. This O.A. is dismissed as withdrawn with liberty to the applicant to file a fresh O.A. on the cause of action indicated in this O.A. and to challenge the subsequent order dated 18.03.2015 rejecting his representation. No order as to costs.

**(NITA CHOWDHURY)**  
**Member (A)**

**(PERMOD KOHLI)**  
**Chairman**

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