

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 28.09.2018

ORIGINAL APPLICATION NO. 060/00724/2017

Chandigarh, this the 3rd day of October, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Sudarshna Devi, JBT Teacher (Retired) (Group-B), Government High School, Sector 38-B, Chandigarh, aged 66 years, r/o House No. 5732, Sector 38 West, Chandigarh, U.T.

....APPLICANT

(Argued by: Shri J.R. Syal, Advocate)

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs, North Block, New Delhi-110001.
2. U.T. Chandigarh through Advisor to the Chandigarh U.T., Chandigarh, Deluxe Building, Sector 9, Chandigarh.
3. Secretary Education, U.T. Chandigarh Administration Secretariat, Deluxe Building, Sector 9, Chandigarh.
4. Director School Education, Chandigarh Administration, Additional Deluxe Building, Sector 9, Chandigarh.
5. The Accountant General (A & E), Sector 17, Chandigarh.

....RESPONDENTS

(By Advocate: Shri K.K. Thakur for respondent no.1
Shri Rajesh Punj, for respondents no. 2-4
Shri Jaspreet Saini proxy for Shri H.S. Jugait, for respondent no. 5.

ORDER**P. Gopinath, Member (A)**

The applicant in the present Original Application is a Junior Basic Teacher in U.T. Chandigarh since 5.10.1972. She was covered by ACP Scheme of 8, 16/18, 24 and 32 years introduced w.e.f. 1.1.1986. She got the benefit as prescribed under the Scheme (ACP) and retired from service on 28.2.2009 from Govt. High School, Sector 38-B, Chandigarh with pension and retiral benefits in pay scale of Rs. 5800-9200. With effect from 1.1.2006 the pay scales of Government employees were revised and applicant contends that she was placed in the scale of Rs. 5480-8925.

2. The prayer of the applicant is to refix her pay w.e.f. 1.1.2006 giving the benefit of new ACP Scheme.

3. The respondents in the reply statement submits that the applicant has been granted the benefit on completion of 8,16,24 and 32 years under the old ACP Scheme. The applicant was erroneously granted a higher pay scale of Rs. 5800-9200 on 9.6.2005 and she continued to draw this pay scale till she retired. A new ACP Scheme was introduced with benefit on completion of 4, 9 and 14 years. This Scheme was introduced after the retirement of the applicant on 28.2.2009. The applicant submitted option of moving to the new ACP Scheme in March 2010 after her superannuation. The Chandigarh Administration did provide the option of migrating from the 8,16,24, 32 ACP Scheme to the 4,9,14 ACP Scheme to persons who were in service when the new Scheme

was introduced. The applicant despite being retired opted for new ACP Scheme on 4, 9 and 14 years in the year 2010. Such an option was not available to her as the option was given only to those who were in service when the ACP Scheme was introduced. Respondent produced Annexure A-1 dated 3.2.2010 which reads as follows:-

“I have been instructed to draw your attention and inform you that some departments and employees union have brought it to the notice that the pay fixed for senior employees has been lesser than junior employees under Punjab Civil Services (Revised salary) Rules-2009. The main reason behind this is to opt the scheme of 4,9, & 14 years of ACP Scheme by junior employees and 8,16,24 and 32 years ACP Scheme by senior employees. In this way, in order to remove the hardships of concerned employees and after due consideration of the above matter, the Govt. has decided that a time period of three months is to be given to the employees to opt for the scheme of 4,9 & 14 years ACP scheme. This is clarified that the instructions issued under ACP scheme vide letter No. 2/60/06-5P.P.1/15963, dated 03.11.2006 will be implemented in the same manner. This is also clarified that under current ACP schemes benefit will be given under Punjab Civil Services (Revised Pay) Rules, 2009 from the date of issue of the instructions dated 27.05.2009. The policy matters related to ACP Scheme after this date are still under consideration of the Govt.”

4. We have heard the learned counsel for the parties, perused the pleadings available on record, and given our thoughtful consideration to the matter.

5. In the above O.M. employees were given a one-time chance to opt for the new 4,9 and 14 years ACP Scheme and a period of 3 months was given to submit option. Applicant apparently has not made the option within the stipulated period.

6. In view of the available option, which the applicant failed to exercise in time, the applicant be given one more

chance to exercise the option within a period of 30 days of the receipt of certified copy of this order. We, further direct the respondents to refix the pay of the application as per option exercised by the applicant within 60 days treating the above option given by applicant as the revised option under (Annexure -A).

7. The O.A. stands disposed of accordingly.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.10.2018
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