

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.1212 of 2012

Reserved on: 25.10.2018

Order pronounced on: 26.10.2018

Between:

K. Venkat Ramudu, S/o. Chakrappa,
Aged about 50 years,
Occupation : Sr. Clerk,
Office of Senior Section Engineer (C&W),
Gooti, Guntakal Division, R/o. Gooti.

...Applicant

And

1. Union of India, Rep. by
The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad.
3. The Divisional Railway Manager,
Guntakal Division, South Central Railway,
Guntakal.
4. The Senior Divisional Personnel Officer,
Guntakal Division, South Central Railway,
Guntakal.

...Respondents

Counsel for the Applicant ... Mr. M.V. Krishna Mohan

Counsel for the Respondents ... Mrs.M. Venkateswari, SC for Railways

CORAM:

Hon'ble Mr. B.V. Sudhakar ... *Member (Admn.)*
Hon'ble Mr. Swarup Kumar Mishra ... *Member (Judl.)*

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA has been filed challenging the action of the respondents in not considering the request of the applicant for two financial upgradations under ACP Scheme.

2. Brief facts of the case are that the applicant was appointed as Rakshak on 01.05.1981. Thereafter, he claims, that he was promoted as Head Constable in the scale of Rs.3200-4900 and while working at that level, he was medically decategorized on 10.09.2004 and offered alternative appointment of Junior Clerk in scale of Rs.3050-4590 and his pay was fixed at Rs.4135/- against his basic pay of Rs.4190/- in the scale of Rs.3200-4900.

3. The contention of the applicant is that as per Serial Circular No. 92/2005 dt. 03.05.2005 he is entitled to get two financial upgradations under ACP Scheme. Though the applicant represented to the respondents on 24.09.2010, there was no action on the same. The applicant states that in OA No. 775/2007 of this Tribunal a similarly situated employee was provided the said benefit. The applicant represented to the respondents on 15.11.2011 to extend the same benefit as ordered in OA 775/07 to him as well. But the respondents have not taken any action on the same. Therefore, this OA is filed.

4. The respondents intimate that the applicant was appointed as Rakshak in R.P.F. on 01.05.1981 on pay of Rs.200 in the scale of Rs. 200-240 (RS). He was removed from service w.e.f. 10.05.1984. However, he was reinstated into service

treating the period of removal from 10.05.1984 to 17.06.1986 as dies non. The applicant was promoted to the rank of Nayak in the scale of Rs.950-1400 w.e.f. 06.02.1995. In this rank that he was medically decategorized and given alternative appointment as Junior Clerk in the scale of Rs.3050-4590. The applicant was granted first ACP after 12 years on 01.10.1999. The pay of the applicant in the rank of Junior Clerk was correctly fixed at Rs.4110+25 in scale of Rs.3050-4590 duly protecting his pay. The applicant was not holding the rank of Naik in higher scale, but he was provided in a lower grade on decategorization in scale of Rs.3050-4590/-. The applicant has been awarded two financial upgradations on completion of 12 and 24 years of service as per his eligibility.

5. Heard learned counsel for parties and they have struck to their written submissions.

6. It is seen that the applicant was appointed as Rakshak on 01.05.1981. Hence, he is eligible for first financial upgradation after 12 years i.e. 30.04.1993. However, since the ACP scheme came into vogue in 1999, he was given first financial upgradation on 01.10.1999. The second financial upgradation would have become due after 24 years i.e. on 30.04.2005. However, since the applicant was removed from service from 10.05.1984 and reinstated on 17.06.1986 treating the said period of 2 years 7 months as dies non, this period cannot be counted for granting second financial upgradation. Accordingly, the second financial upgradation was given w.e.f. 01.12.2007. Thus, it is seen that the applicant has been granted two financial upgradations as per his eligibility. The OA No. 775/2005 cited by the applicant is not relevant to the applicant as his case has got a different history of removal and therefore elongation of the period of non granting financial upgradation. The respondents have also made it clear

that the applicant has not been promoted as Head Constable and neither did the applicant produce any record confirming the same.

7. Therefore, as seen from the facts stated above, the applicant has got the full benefit of ACP Scheme and there is no ground for this Tribunal to intervene. Hence, the OA fails and is dismissed accordingly.

8. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 26th day of October, 2018

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