

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

OA No. 151 of 2014

New Delhi this the 6th May, 2019

**HON'BLE MR. PRADEEP KUMAR MEMBER (A)
HON'BLE MR. ASHISH KALIA MEMBER (J)**

Smt. Vimla Devi
@Vimla Rani
w/o Late Sh. Shyam Sunder Bansal,
Asstt. Engineer (Civil) Retired,
R/o-T-312, Ground Floor, Prem Nagar,
Uttam Nagar,
New Delhi- 110005.

.....Applicant

(By Advocate: Ms. Kavita Rawat for Sh. Ashwani Bhardwaj)

Versus

1. Chief Executive Officer,
Delhi Jal Board,
Phase-II, Varunalaya,
Jhandewalan, Karol Bagh,
New Delhi- 110005
2. The Assistant Commissioner (T)
Delhi Jal Board,
Office of the Assistant Commissioner (T)
Varunalaya Phase-II
Karol Bagh,
New Delhi- 110005.

.....Respondents

(By Advocate : Sh. Himanshu Upadhyaya)

ORDER (ORAL)

HON'BLE MR. ASHISH KALIA MEMBER (J)

- 1.0 The applicant is the widow of late Sh. Shyam Sunder Bansal and has approached this Tribunal in present O.A. stating therein that the applicant's husband was appointed with the respondent on

08.06.1967 initially on the post of SO (Civil) which is now designated as Junior Engineer (civil).

2.0 He was promoted to the post of Assistant Engineer w.e.f. April, 1992 on CDC basis. After completion of 32 year service on 30.11.2000, he retired as Assistant Engineer. It is further submitted that as per DoP&T instruction dated 09.08.1999, the Assured Career Progression (ACP) Scheme 1999 was issued which was duly accepted by the respondents and made applicable to its all employees. After completion of 12 years and 24 years regular services respectively, all employees of Delhi Jal Board were entitled to the benefit for ACP Scheme. The husband of the applicant had completed 12 years service in June 1979 and 24 years service in June 1991 and was fully entitled for second financial upgradation on completion of 24 years of service. This was however denied to him.

3.0 The applicant has made representation with the department on 25.10.2012 (Annexure A-3) on which, no steps were taken by the respondents and they rejected the same vide impugned order dated 20.12.2012. Feeling aggrieved. Applicant approached this Tribunal for redressal of her grievance. Reply has already been filed by the respondents and literally accepted the factual position stated in the O.A.

4.0 The only objection raised by the respondents on the present O.A. is that due to non-passing of account and engineering test, he was not given any financial upgradation. This was informed to the applicant vide impugned order dated 20.12.2012.

5.0 Heard both the counsels at length.

6.0 Short question raised in the present O.A. is whether applicant is entitled to upgradation under ACP Scheme in his service career or not? Based on the ACP Scheme, two financial upgradation are to be granted on completion of 12 years and 24 years and it is applicable to all employees. The only exemption made in this scheme is that ad-hoc and contractual employees are not entitled for the same.

7.0 On perusal of the records of the case, we are of the view that the applicant has received only one promotion to the post of Assistant Engineer w.e.f April, 1992 and therefore on completion of 24 years, he should have been considered for grant of 2nd ACP also. We are convinced that applicant is having merit in terms of Govt. of India ACP Scheme. Hence, we allow this O.A. and direct the respondents to grant Late Sh. Shyam Sunder Bansal, the benefit of 2nd ACP on completion of 24 year service or w.e.f. implementation of the ACP Scheme dated 09.8.1999 as the case may be, with all consequential benefits which shall include salary during service, retiral benefits, pension and arrears.

8.0 This order shall be complied within a period of 90 days, failing which the arrears shall also carry interest at GPF rate till they are paid. Applicant shall have liberty to approach Tribunal if some grievance still subsists. No order as to cost.

(Ashish Kalia)
Member (J)

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(Pradeep Kumar)
Member (A)