

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 392/2016

New Delhi this the 13th day of February, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Malkhan Singh, 72 Years,
Son of Late Shri Tej Singh,
Retired Editor Translator (Russian/English),
Naval Headquarters, Ministry of Defence,
Resident of House No. 18, Pocket F-24,
Sector -07, Rohini, Delhi – 110085.

...Applicant

(By Advocate: Mr. Gyaneshwar)

Versus

1. Union of India
Through
Defence Secretary, Ministry of Defence,
South Block, New Delhi – 110001.
2. Secretary, Department of Personnel &
Training, Government of India, North Block,
New Delhi – 110001.
3. The Chief of the Naval Staff,
Integrated Headquarters of Ministry of
Defence (Navy), South Block, New Delhi – 110001.
4. The Principal Director of Civilian Personnel,
Integrated Headquarters of Ministry of
Defence (Navy), Sena Bhawan,
New Delhi – 110001.

...Respondents

(By Advocate : Mr. S K Tripathi for Mr. Gyanendra Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:

The applicant was appointed as Senior Translation Officer in the Civil Wing of Defence Ministry in the year 1979. He was promoted to the post of Editor Translator on 25.05.1985. Ultimately, he retired from service on 31.07.2003 on attaining the age of superannuation. The applicant made several representations claiming the benefit of further promotions or the Assured Career Progression (ACP) Scheme, as the case may be. When there was no positive response, he filed O.A. No.1030/2011 before this Tribunal claiming benefit of promotion or ACP. The O.A. was dismissed on 17.03.2011 taking a view that the claim of ACP applies to officers other than those in Group 'A'. The applicant holds a Group 'A' post. Thereafter, the applicant made certain representations for grant of three promotions as per the recommendations of 5th Central Pay Commission (CPC). Through an order dated 26.06.2013, the respondents informed the applicant that he is not entitled to any other promotion and that no further correspondence would be entertained in this behalf. The same is challenged in this O.A.

2. The applicant contends that the post of Editor Translator was an isolated one and as per normal structure in various organizations, or the principles that guided the ACP scheme, he was entitled to be extended the benefit of a promotion or ACP.

3. The respondents filed counter affidavit opposing the O.A. It is stated that the contentions advanced by the applicant were dealt with by the Tribunal in O.A. No.1030/2011 and since there is no challenge of the circumstance thereafter, the present O.A. is totally misconceived.

4. We heard Mr. Gyaneshwar, learned counsel for applicant and Mr. S K Tripathi for Mr. Gyanendra Singh, learned counsel for respondents.

5. It is no doubt true that the applicant has earned only one promotion, i.e., to the post of Editor Translator in his entire career. To ensure that the employees do not stagnate in the same post for decades together, the Government introduced the ACP Scheme. Under this, if an employee does not get promotion for a period of 12 years, he would be entitled to be extended the benefit of financial upgradation, which is almost equivalent to one of promotions. Similar facility is created in the second spell of 12 years. This was later on replaced by the Modified Assured Career Progression (MACP) Scheme, whereunder the service is spilt into 3 units of 10 years each.

6. The benefits of ACP / MACP, as the case may be, would not be available to Group 'A' Officer. The applicant held the post of organized Group 'A' ever since he entered the service. Hence, there did not exist any possibility to extend the same. This Tribunal, in O.A. No. 1030/2011 took note of the relevant paragraph in the O.M. dated 09.08.1999, which is to the effect that no financial upgradation under the Scheme is proposed for Group 'A' Central Services (Technical/Non-Technical) and that the applicant is not entitled for any benefit. It is not even pleaded that there is

any change of law between the date of disposal of the said O.A. and the date of filing of the instant O.A.

7. We do not find any merit in the O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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