

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.4676/2014

New Delhi, this the 10th day of October, 2019

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

Shri Mohd. Yameen,
S/o Late Mohd. Yaqub,
Aged about 63 years, Retd.,
R/o 1597/III, Pataudi House,
Darya Ganj,
New Delhi- 110002.

...Applicant

(By Advocate: Mr. S. M. Arif)

Versus

1. University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi.
Through its Secretary.
2. Union of India,
Through its Secretary,
Ministry of Human Resource,
Development, Shastri Bhawan,
New Delhi.

...Respondents

(By Advocate: Mr. V. Sudheer)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant joined the service of University Grants Commission (UGC), as Statistical Assistant (SA) on regular basis vide order dated 07.03.1977. He was promoted to the post of Senior Statistical Assistant (SSA) in February, 1982.

The next higher post is Junior Statistical Officer (JSO). At the relevant point of time, appointment to the extent of 50% was by way of direct recruitment and remaining 50%, by way of promotion. He was promoted on ad-hoc basis, to the post of JSO on 05.09.1989. An advertisement was issued for direct recruitment to the post of JSO. The applicant responded to the advertisement as a departmental candidate duly obtaining relaxation as to the age limit. The applicant was selected and appointed as JSO on 20.02.1996. He retired from the service in the year, 2011. This OA is filed with a prayer to direct the respondents to extend him, the benefit of 3rd financial upgradation w.e.f. 01.03.2007.

2. The applicant contends that he was appointed as JSO in the year 1996 through the process of direct recruitment and he deserves to be treated as one of promotees since his junior was promoted to the post within a short time; thereafter.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the applicant secured one promotion to the post of SSA in February, 1982, which has the effect of offsetting the 1st ACP. It is stated that the applicant was extended the benefit of 2nd ACP w.e.f. 01.03.2001.

Respondents, further, stated that the applicant was promoted to the post of Senior Statistical Officer (SSO) in the year 2007 and the question of extending him the 3rd ACP does not arise.

4. We heard Mr. S. M. Arif, learned counsel for the applicant and Mr. V. Sudheer, learned counsel for the respondents.

5. The service particulars furnished above are not in dispute. The applicant joined the service as SA vide order dated 07.03.1977 on regular basis. The ACP scheme provided for upgradation in case an employee did not get promotion within a span of 12 years. Fortunately, for the applicant he got promotion to the post of SSO in February, 1982. Thereby, the 1st ACP was offset.

6. Though the appointment to the next higher post of JSO is by way of direct recruitment as well as by promotion in equal shares, the applicant wanted to be appointed through direct recruitment and accordingly responded to the advertisement issued in the year 1995. He was also selected and appointed on 20.02.1996.

7. Since the applicant did not get promotion from the post of JSO for 12 years, he was extended the benefit of 2nd ACP w.e.f. 01.03.2001. The benefit of MACP came into

existence thereafter. The applicant was promoted to the post of SSO in 2007. The result is that in the entire career, he got two promotions and one ACP. We are of the view that nothing more remains to be granted to the applicant.

8. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

/ankit/

(Justice L. Narasimha Reddy)
Chairman