

65CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.1163 of 2011

Jabalpur, this Thursday, the 11th day of July, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

A.K.Pare, S/o Shri S.L.Pare,
Aged about 52 years,
R/o E-207, Sanjay Nagar,
Ranjhi, Jabalpur, M.P.-482010

-Applicant

(By Advocate –**Shri Sudarshan Chakravorty**)

V e r s u s

1. Union of India, through Secretary,
Defence Production, Ministry of Defence,
South Block, New Delhi-110011

2.D.G.O.F./Chairman, Ordnance Factory Board,
10-A, S.K.Bose Road, Kolkata-700001

3. Senior General Manager, Ordnance Clothing Factory,
Sahajahnpur (U.P.)-242001

4. Senior General Manager, Vehicle Factory,
Jabalpur (MP)-482009

-Respondents

(By Advocate –**Shri S.S.Chouhan**)

O R D E R (ORAL)

By Navin Tandon, AM:-

The applicant is aggrieved by the fact that he has not been granted benefits of Assured Career Progression Scheme (for short ‘ACP’).

2. The applicant has submitted as under:

2.1 He joined as Junior Examiner as per appointment order dated 08.03.1981 (Annexure A-2) in the pay scale of Rs. 210-290/-.

2.2 Subsequently, the applicant appeared in the departmental examination and was appointed to the post of Primary Teacher vide order dated 21.12.1997(Annexure A-3).

2.3 He applied for voluntary retirement on 21.04.2005 (Annexure A-5). Accordingly he has voluntarily retired on 20.07.2005.

3. He has prayed for the following reliefs in this Original Application.

“8. Relief (s) Sought:

- i. to direct the respondent to grant two financial up gradation under A.C.P. Scheme with all consequential benefits.
- ii. To grant the cost of litigation to the applicant.
- iii. To call for entire relevant records for kind perusal of the Hon'ble Court.
- iv. To grant any other relief which this Hon'ble CAT may deems fit and proper looking to the facts and circumstances of the case in the interest of justice.”

4. The respondents in their reply have submitted as under:

4.1 The Original Application is barred by limitation as it has been filed in the year 2011 whereas ACP was introduced in 09.08.1999. Therefore the Original Application has to be dismissed on the grounds of limitation.

4.2 The ACP scheme was introduced with effect from 09.08.1999 and the employees who could not get one upgradation/promotion during 12 years of service or 2 upgradation/promotion during 24 years of service were to be considered for upgradation under ACP Scheme.

4.3 As far as teaching staff is concerned, the government has introduced Senior Scale on completion of 12 years of service if the teaching staff could not get promotion to the next higher grade during 12 years of service.

4.4 The applicant has changed his line from Industrial employee to the Non-Industrial in Teaching Cadre with effect from 22.12.1997. The ACP Scheme was introduced with effect from 09.08.1999 and the applicant had ceased to be an Industrial Employee with effect from 22.12.1997. Therefore he was not eligible for ACP which was considered for Industrial and Non-Industrial incumbents.

4.5 He retired voluntarily on 20.07.2005. Therefore, he had not completed 12 years of service in the teaching cadre as required for a teacher for grant of senior scale.

5. The applicants have submitted rejoinder wherein they have stated that the benefit of ACP was denied by the respondents on

31.01.2011 (Annexure A-10). Immediately, thereafter this Original Application has been filed, and hence, it is within limitation.

6. Heard the arguments of both the parties.

7. Learned counsel for the applicant submits that the applicant has completed more than 24 years of service from date of appointment (08.03.1981) to the date he took voluntary retirement on 21.04.2005. The applicant has not got any promotion/financial up-gradation.

7.1 While as junior examiner he was in the grade pay of Rs. 3050-4590/- (6th CPC), it was by virtue of his appointment as primary teacher that he was granted 4500-7000. Therefore, he vehemently argued that there is a strong case for grant of two financial up-gradations, considering the total qualifying service of 24 years.

8. Learned counsel for the respondents submits that when the ACP scheme was introduced on 09.08.1999, he was no more working in the original cadre and therefore he could not be given any financial up-gradation under ACP Scheme since he ceased to be in that cadre on 21.12.1997.

8.1 Further, for the teachers there is a separate scheme for three tier structural financial up-gradation scale and, therefore, the teachers were not entitled to ACP scheme as communicated by the

respondents vide order dated 18.02.2000 (Annexure I of M.A. No. 200/817/2019).

9. We have considered the arguments of both the sides.
10. Para 8 of the office order dated 18.02.2000(Annexure A-I of M.A. No. 200/817/2019) reads as under:

“8. As far as Teaching staff of Ordnance Factories School are concerned, they shall not qualify for grant of financial upgradation under ACP Scheme because they already enjoy 3-tier structure financial upgradation scales.”

10.1 SRO 151 (Annexure II of M.A. 817/2019) mentions the scale of pay of teacher (primary) as under:

- (1) Rs. 4500-125-7000
- (2) Senior Scale after 12 years Rs. 5500-175-9000
- (3) Selection scale after 12 years in Senior Scale and after acquiring qualification laid down for Trained Graduate Teacher Rs. 6500-200-12000.

11. We are in agreement with the learned counsel for the respondents that when the scheme was introduced in 1999, the applicant was not working in the industrial cadre and therefore he was not entitled for the financial up-gradation under ACP scheme since he has already moved as primary teacher in December, 1997. Further, as has been brought out in above Para that ACP scheme is not applicable to teaching staff of Ordnance Factory Schools, as they enjoy 3-tier structure financial upgradation scales.

11.1 As far as financial upgradation of teaching staff is concerned, SRO 151 states that seniority scale is awarded after 12 years. Since, the applicant took voluntary retirement in 2005, his service as primary teacher is less than 8 years therefore, he cannot be granted senior scale, as applicable to the teachers.

12. In view of the above, there is no merit in this O.A. and the Original Application is dismissed.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member