

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(2)

...  
OA No.551/2003

New Delhi. this the 18th day of November. 2003

**Hon'ble Shri Shanker Raju, Member (J)**

**Hon'ble Shri S.A. Singh, Member (A)**

Shri Gaiendra Pal Sharma,  
S/o late Sh. S.N. Sharma,  
Ex. Assistant Manager/Dairy Supervisor,  
Delhi Milk Scheme,  
West Patel Nagar, New Delhi  
& R/o F-20, Patel Nagar-I,  
Ghaziabad (UP). ...Applicant

(By Advocate: Shri S.C. Luthra)

Versus

1. Union of India through  
The Secretary to the Govt. of India,  
Department of Animal Husbandary & Dairying,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi - 110 001.
2. The General Manager,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi - 110 008. ...Respondents

(By Advocate: Ms. Harvinder Oberoi)

**ORDER (ORAL)**

**Order delivered by Shri Shanker Raju, Member (J)**

Through the present O.A. applicant has sought  
the following reliefs:

"8.1. To direct the respondents to  
continue in-situ scale given to  
applicant w.e.f. 1.6.1992 beyond  
1.1.1996 upto 9.8.1999, the date from  
which the ACPs came into force in view  
of the clarification given by the  
Ministry of Personnel, Public  
Grievances and Pension (Deptt. of  
Personnel & Training) vide O.M. dated  
10.02.2000.

8.2. To grant 12% interest on the  
payments which will become due as a  
result of relief at para 8.1.

8.3. Any other and further relief(s)  
which this Hon'ble Tribunal deem fit  
and proper may please also be passed."



2. One of the contentions put forth by the applicant is that as per in-situ Scheme, the employees will get promotion in-situ to the next higher scale available in the normal hierarchy for promotion. In this backdrop, it is contended that in-situ given to the applicant was to be continued beyond 1.1.1996 till he got the benefit of Assured Career Progression Scheme. Further deliberating upon his contentions, it is stated that as per the respondents' own Office Order issued on 28.4.2003 stating that Ministry of Finance has issued OM dated 13.09.1991 to the effect that Group-C and Group-D employees, who had been granted in-situ promotion, will be allowed the protection of pay from 1.1.1996 to 9.8.1999, which is the relief claimed by the applicant in this O.A.

3. In pursuance thereof, the Establishment Sections have been requested to review all the cases of persons who had been drawing in-situ promotions as on 1.1.1996 and to re-fix their pay according to the above instructions.

4. Having regard to the above, it is stated that the case of the applicant being similarly circumstance, is to be reviewed as per the orders issued ibihd

5. On the other hand respondents' counsel Ms. Harvinder Oberoi though opposed the OA but on the basis of the Office Order issued by the respondents has failly

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stated that the case of the applicant would be considered in the light of their own OM for review.

6. Having regard to the rival contentions of the parties and in the light of Scheme for In-situ promotion, applicant's claim is directed to be considered by the respondents in the light of their own dated 28.4.2003 and also in the light of the DOP&T instructions for ACP Scheme and to pass a detailed and speaking order within a period of two months from the date of receipt of a copy of this order. No costs.

  
(S.A. Singh)  
Member (A)

  
(Shanker Raju)  
Member (J)

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