

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.986/2003

Monday, this 5th day of January, 2004

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

Brij Kishore
S/o Shri Sumer,
R/o Quarter No.9/1, Daya Basti,
Northern Railway,
New Delhi.
(By Advocate: Shri M.K.Bhardwaj)

....Applicant

Versus

1. General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager,
DRM Office, Northern Railway,
New Delhi.
3. Divisional Supdt. Engineer (Estate),
Northern Railway,
DRM Office, New Delhi.

..Respondents.

(By Advocate: Sh.B.S.Oberoi)

O R D E R (ORAL)

Shri Kuldip Singh, Member (J):

This application has been filed by the applicant impugning the respondents' order dated 29.3.2003 whereby his pay has been reduced by withdrawing the Assured Career Progression (ACP) Scheme given to him earlier.

2. The facts in brief are that the applicant was working as Khalasi w.e.f. 17.12.1973. He was given first benefit of ACP on 01.10.1999 in the pay scale of Rs.3050-4590. Subsequently, the applicant was given regular promotion as MSM Grade-III in the pay scale 3050-4590/- and was posted as SSE(Sig) Bhatinda. The applicant refused the said promotion vide Annexure-3 and submitted that he should be permitted to work under as ACP/Head Khalasi.

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3. The respondents rely upon letter (Annexure R-1) issued alongwith ACP Scheme on the basis of same had withdrawn ACP benefit from the applicant wherein it has been mentioned as follows:

"The basic idea behind making this provision is that there shall be uniformity of ACPs and regular promotions. Moreover, the Government has already modified/moderated the fifth Central Pay Commission recommendation that in case of refusal to accept regular promotion subsequently, the employee concerned should be reverted from the higher grade granted under ACPs."

4. Applicant has filed this OA and submitted that the benefit could not have been withdrawn from him which had already been given to him as such the same be continued.

5. In view of this, the OA is disposed of after hearing both the parties. It is agreed by both parties that the applicant will join as MSM Grade-III in the pay scale of Rs.3050-4590 at Bhatinda within a period of two months from today. The applicant has been placed on regular promotion as MSM. He will not have any grievance on account of refusal to join on promotional post.

6. In case, the applicant does not join within two months from today, this impugned order will stand. However, respondents are given liberty to post him at any other place. No costs.


(S.A. Singh)
Member(A)


(Kuldip Singh)
Member(J)