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Central Administrative Tribunal, Principal Bench

Original Application No.1849 of 2003

New Delhi, this the 29th day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

Shri Vijendra Prasad Pandey
S/o late Shri Bhagwati Prasad Pandey
Aged 53 years, Employed as Upper
Division Clerk in the Office of
The Principal & Medical Superintendent
Lady Hardinge Medical College &
Smt. Sucheta Kriplani Hospital
Directorate General of Health Services
Ministry of Health & Family Welfare
Government of India,
New Delhi-1

.... Applicant

(By Advocate: Shri S.L. Lakhanpal)

Versus

1. The Secretary to the Govt. of India
Ministry of Health & Family Welfare
Department of Health, Nirman Bhawan,
New Delhi-3
2. The Director General,
Health Services
Ministry of Health & Family Welfare
Government of India,
Nirman Bhawan, New Delhi-3
3. The Principal & Medical Superintendent
Lady Hardinge Medical College &
Smt. Sucheta Kriplani Hospital
New Delhi-1

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant seeks the benefit of financial upgradation envisaged in Assured Career Progression Scheme (ACP Scheme) after 12 years and 24 years of his service. As a consequential benefit, he seeks refixation of his pay and arrears.

2. Some of the relevant facts are that the applicant joined as a Peon in the office of Principal and Medical

As Aggarwal

Superintendent, Lady Hardinge Medical College, New Delhi. On 28.4.75, he was appointed as a Lower Division Clerk (LDC) through an open competitive examination. Admittedly on 9.8.99, the Government of India had approved the ACP Scheme for Central Govt. civilian employees after the recommendations of the 5th Central Pay Commission.

3. At this stage, it is relevant to mention that the applicant was facing departmental proceedings and penalty was imposed on 20.5.98 of reduction of his pay by five increments and recovery of Rs.2,86,201/-. His appeal had been decided in the year 2002.

4. Applicant's learned counsel contends -

(a) it is a case of double jeopardy; and

(b) in any case, the applicant should have been awarded the benefit of ACP Scheme after he completed 12 years of service.


5. On both the counts, the contention has to be rejected. Taking up the second argument in the first instance, it is obvious that 12 years had been completed in the service by the applicant before the ACP Scheme had been enforced on 9.8.99. Thus the applicant is not entitled to any such benefit before the Scheme.


6. As regards the second contention, needless to state that when the ACP Scheme came into being, the



applicant was under a cloud and had suffered a penalty referred to above. It cast a stigma and, therefore, question of granting of the said benefit of the Scheme, keeping in view the nature of the penalty, would not arise.

7. Resultantly, the application being without merit must fail and is dismissed.


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

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