

(1)

Central Administrative Tribunal, Principal Bench

Original Application No.1877 of 2003

New Delhi, this the 8th day of August, 2003

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

Shri Duli Chand,  
Wireman-cum-Mechanic  
Workshop & Maintenance Section,  
National Institute of Health & Family Welfare,  
Munirka,  
New Delhi.

.... Applicant

(By Advocate: Shri A.K. Datta)

Versus

1. The Director,  
National Institute of Health & Family  
Welfare, Munirka,  
New Delhi.

2. Deputy Director,  
National Institute of Health & Family  
Welfare (General Admn.)  
Munirka, New Delhi.

3. Ministry of Personnel, Public  
Grievances and Pensions,  
(Dept. of Personnel and Training)  
North Block, New Delhi  
Through its Secretary

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant is working as Wireman-cum-Mechanic in the National Institute of Health and Family Welfare, Munirka, New Delhi. He joined the service on 18.3.83.

2. On 9.8.99, the Ministry of Personnel, Public Grievances and Pensions had introduced Assured Career Progression Scheme ('ACP' Scheme). After 12 years of service, subject to fulfilment of other conditions being satisfied, a person is entitled to financial upgradation. By virtue of the present application, the applicant seeks benefit of the same contending that he had completed 12

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years service in this regard.

3. Record placed before us indicates that disciplinary proceedings had been initiated against the applicant. On 23.10.2000, a penalty was imposed on the applicant reducing his pay by two stages from Rs.5800/- to Rs.5600/- in the time scale of pay for a period of two years. It was further directed that he will not earn increments of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay. After the expiry of the said two years, the applicant has represented and one such representation is dated 18.6.2003, requesting for the benefit of the ACP Scheme. The said representation is stated to be still pending.

4. In the circumstances, when rights of the respondents are not likely to be affected, we deem it unnecessary to give a show cause notice while disposing the present application.

5. It is directed that respondent no.1 would consider the aforesaid representation and pass a speaking order preferably within four months of the receipt of the certified copy of the present order and communicate it to the applicant. We make it clear that nothing said herein should be taken as any expression of opinion on the merits of the matter. O.A. is disposed of.

*Naik*  
( S.K. Naik )  
Member (A).

*V.S. Aggarwal*  
( V.S. Aggarwal )  
Chairman.