

(5)

**Central Administrative Tribunal
Principal Bench**

**CP No.406/2008
OA No.801/2003**

New Delhi, this the 3rd day of February, 2009

**Hon'ble Mr. M. Ramachandran, Vice Chairman (J)
Hon'ble Dr. Ramesh Chandra Panda, Member (A)**

Shri R. C. Anand
S/o Late Shri P. N. Anand
R/o B1/352, Janak Puri,
New Delhi 110054.

... Applicant.

(By Advocate : None)

vs

Union of India through

1. Shri Jitender Vir Singh
Joint Secretary (Training) & CAO,
Ministry of Defence,
C-II, Helments,
New Delhi 110 011.
2. Mr. F H Major
Chief of the Air Staff
Air Head Quarter, Vayu Bhawan,
New Delhi.

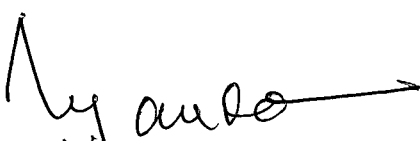
... Respondents.

(By Advocate : Shri H. K. Gangwani)

: O R D E R (ORAL) :

Hon'ble Mr. M. Ramachandran, Vice Chairman (J) :

None is present on behalf of the applicant. However, Mr. H. K. Gangwani, appearing on behalf of the respondents, brought to our notice the subsequent developments namely that a writ petition had been filed but there was no stay granted but in view of the above, respondents had granted ACP benefits to the applicant, as ordered by this Tribunal, of course subject to the final outcome of the writ petition, which is pending before the Hon'ble High Court. We find that there is no contempt. Accordingly, CP is closed. Notices issued to the respondents are hereby discharged.


(Dr. Ramesh Chandra Panda)
Member (A)


(M. Ramachandran)
Vice Chairman (J)

MINISTRY OF DEFENCE
Office of JS (T) & CAO

GRANT OF FINANCIAL UPGRADATION UNDER ASSURED CAREER
PROGRESSION (ACP) SCHEME

(CP No. 2106/2008 in OA No. 801/2003)

In compliance with Hon'ble CAT (PB) order dated 02.01.2004 in OA No. 801/2003 and dismissal of stay application vide order dated 15.07.2008 of Hon'ble High Court of Delhi, the competent authority has approved grant of first and second financial upgradation to Shri RC Anand (DOB: 01.11.1945) (Retd) from the pay scale of Rs.4500-7000(Grade of DEO 'B') to the pay scale of Rs.5500-9000 (Grade of DEO 'D') wef 09.08.2001 and from the pay scale of Rs.5500-9000 (Grade of DEO 'D') to the pay scale of Rs.6500-10500 (Grade of DPA 'B') wef 09.08.2001.

2. The above financial upgradation shall be purely personal to the official and shall have no relevance to their seniority position. As such, there shall be no additional financial upgradation for the senior officials on the ground that the junior officials in the grade have got higher pay scale under the ACP Scheme.

3. The pay of the above official shall be re-fixed under the provisions of FR 22(1)(a)(i) subject to minimum financial benefit of Rs.100/- as per the DOP&T OM No 35034/1/97-Estt (D) dated 09.08.1999 and F. No. 35034/1/97-Estt (D) (Vol.IV) dated 18.07.2000. The individual granted financial upgradation may exercise his option for pay fixation as per FR 22(1)(a)(i) within the stipulated time.

4. The grant of benefits shall be subject to the result of Writ Petition No. 18110/2004 filed in the Hon'ble High Court.

5. The above upgradation will be further subject to the terms and conditions stipulated in DOP&T OM referred to in Para 3 above, as amended from time to time.

6. The first ACP granted to Shri RC Anand vide this office letter No. A/43010/ACP/II/CAO/P-2 dated 06 Feb 2003 is hereby superseded.


(M Chandrashekar)
SAO, CAO/P-2

26 Nov 2008

Air HQ/PC-1

Copy to :

CAO / CRD Cell

PS to Dir (R)

Concerned Individual