

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

ORIGINAL APPLICATION NO.37/2012

DATED THIS THE 18TH DAY OF SEPTEMBER, 2012

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SMT LEENA MEHENDALE, MEMBER(A)

**Mrs. Rosily Francis,
W/o Francis Kulirani,
Aged about 59 years,
Working as Statistical Investigator Grade-I,
Anthropological Survey of India,
Southern Regional Centre,
Bogadi II Stage North,
Mysore-570 026.**

... Applicant

(By Advocate Shri A.R. Holla)

V/s

- 1. Union of India,
By Secretary,
Ministry of Statistics & Programme Implementation,
Sardar Patel Bhavan,
Sansad Marg,
New Delhi-110 001.**
- 2. The Director,
Subordinate Statistical Service,
Ministry of Statistics & Programme Implementation,
Sardar Patel Bhavan,
Sansad Marg,
New Delhi-110 001.**
- 3. The Regional Officer,
Anthropological Survey of India,
Southern Regional Centre,
Bogadi II Stage,
Mysore-570 026.**

.. Respondents.

(By Shri M. Vasudeva Rao, Sr. CGSC)

ORDER (ORAL)**HON'BLE DR. K.B. SURESH, MEMBER(J)**

Heard. Following the decision of the Tribunal in similar matter, the Delhi High Court at para 12 of its Judgement in C.W.P. No.4664/2001 dated 18.4.2002 had held that Government by para 13 of the ACP Scheme had merely excluded its operation only when there exists any time-bound promotion scheme including in-situ promotion scheme. So the crux seems to be time-bound promotion scheme. Going by the impugned order at Annexure A-10, functional or non-functional benefit, which was granted, has nothing to do with time bound promotion scheme. Therefore, Annexure A-10 has no relevance to the issue at hand. It is declared that non-functional upgradation will not constitute the benefit of promotion which can contradict the benefit under ACP scheme. Therefore, Annexure A-10 has no relevance and is hereby quashed. The respondents are directed to extend the benefit of 2nd ACP to the applicant under ACP scheme w.e.f. appropriate date with all consequential benefits.

OA allowed . No order as to costs..

(LEENA MEHENDALE)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

Speed post.

No. 12012/4 (2)/2011-SSS
Government of India
Ministry of Statistics & Programme Implementation
(SSS Division)

Sardar Patel Bhavan,
Sansad Marg, New Delhi-110001
Dated: 11th November, 2011

Office Memorandum

Subject: Grant of ACP of SSS Incumbents-Regarding.

The undersigned is directed to refer to representations of Sh. M. Siva Rama Raju [1166] dated 17th August 2011, Sh. P. Dhayalan [EC-1172] dated 29th August 2011 and subsequent reminder dated 4th August 2011 and Sh. Anil H Ramteke [1288] dated 15th June 2011 requesting to grant 1st ACP in the pay scale of Rs. 8000 – 13500 on completion of 12 years of regular service. Further, reference is invited to the representation of Smt. Rosily Francis [1551] dated 15.02.2011 and subsequent reminder dated 21.7.2011 wherein it has been requested to grant 2nd ACP in the pay scale of Rs. 8000 – 13500 on completion of 24 years of regular service.

2. It is informed that at the time of operationalisation of SSS persons who were in the pre-revised scale of Rs. 6500 – 10500 were considered for promotion and appointment in the scale of Rs. 7450-11500 [Non-functional] w.e.f. 01.04.2004. Thus, these officials have been granted Non-functional up-gradation in the pay scale of Rs. 7450 – 11500 before becoming eligible for 1st ACP or 2nd ACP. As per ACP Scheme, an official can not be considered for both benefits i.e. financial up gradation under Non-functional Scheme and ACP Scheme in same pay scale or higher pay scale.

3. It is also informed that after examining the recommendation of Special Departmental Anomaly Committee set up for consideration of ACP issue of SSS, all the four grade of the service i.e. 5000 – 8000, 5500 – 9000, 6500 – 10500 and 7450 – 11500 have been treated as separate grade for ACP. As such, these offices are not eligible for 1st ACP or 2nd ACP in the pay scale of Rs. 8000 – 13500.

S. K. Mishra
(S. K. Mishra)

Under Secretary to the Govt. of India
Tel. No. 011-23340888

1. Sh. M. Siva Rama Raju w.r.t. his representation dated 17th October 2011.
2. Sh. P. Dhayalan w.r.t his representation dated 29th August 2011 and subsequent reminder dated 4th August 2011.
3. Sh. Anil H Ramteke w.r.t. his representation dated 15th June 2011.
4. Smt. Rosily Francis w.r.t her representation dated 15.02.2011 and subsequent reminder dated 21.7.2011.

No. 11024 /03/ 2012 – SSS
Ministry of Statistics & Programme Implementation
Subordinate Statistical Service

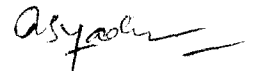
Room No. 528, Sardar Patel Bhavan
Sansad Marg, New Delhi-110001.

Dated: 17th June, 2013

ORDER

Subject: Grant of Financial up-gradation under Assured Career Progression (ACP) Scheme to Mrs. Rosily Francis, Statistical Investigator Grade I of Subordinate Statistical Service (SSS) - Regarding.

In pursuance of Judgment dated 18th September 2012 in OA No. 37 / 2012 [Mrs. Rosily Francis Vs UOI] delivered by Hon'ble Central Administrative Tribunal (CAT) Bangalore Bench, Bangalore, case for grant of 2nd financial up-gradation under Assured Career Progression (ACP) Scheme in respect of Mrs. Rosily Francis [EC- 1551], Statistical Investigator Grade I was considered by the Screening Committee on 6th June 2013. On the recommendation of the Screening Committee the Competent Authority has approved her case for grant of 2nd ACP in the pay scale of Rs. 8000–13500 w.e.f. 25th June 2005 with all consequential benefits subject to condition that her pay may be regulated under FR 22 (1) (a) (ii) on account of absorption as Statistical Investigator Grade I in Subordinate Statistical Service (SSS) in the pay scale of Rs. Rs. 7450–11500 [Non-functional] w.e.f. 1st April 2004.



(R.S. Yadav)

Deputy Secretary to the Govt. of India
Ph. No.011- 23742176

No. 11024 /03/ 2012 – SSS

Dated : 17th June 2013

Distribution:

1. Sh. D. N. Pandey, Head of Office, Anthropological Survey of India, Government of India, Ministry of Culture, Department of Culture, 7 Jawaharlal Nehru Road, Kolkata–700016.
2. The Regional Officer, Anthropological Survey of India, Southern Regional Centre, Bogadi II Stage, Mysore- 570026, pay / pension of **Mrs. Rosily Francis** may be revised accordingly.
3. Mrs. Rosily Francis, W/o Sh. Francis Kulirani, Ex- Statistical Investigator Grade – I, Anthropological Survey of India, Southern Regional Centre, Bogadi II Stage North, Mysore –570026.
4. Computer Centre of MOS&PI is requested to place the above OM under SSS in ACP link.
5. Master Set 2013.
6. AD (OL) for Hindi Version.