

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATIONS NO.233, 1000 TO 1003 OF 2013**

ORIGINAL APPLICATION NO.233 OF 2013

DISTRICT : PUNE

| | | |
|----|--|--------------|
| 1. | Shri Arun Babulal Dhende, |) |
| 2. | Shri Pradip Shivaji Kadam, |) |
| | Both working as Agriculture Assistant, |) |
| | in the office of Taluka Agriculture Officer, |) |
| | Taluka Daund, District Pune |) |
| | <u>Address for service of notice:</u> |) |
| | Shri A.V. Bandiwadekar, Advocate, |) |
| | 9, 'Ram-Kripa', Lt. Dilip Gupte Marg, |) |
| | Mahim, Mumbai 400 016 |)..Applicant |

Versus

| | | |
|----|--------------------------------------|---|
| 1. | The State of Maharashtra, |) |
| | Through Principal Secretary, |) |
| | Agriculture, Animal Husbandry, Dairy |) |
| | Development & Fisheries Department, |) |
| | Mantralaya, Mumbai 400 032 |) |

2. The Divisional Joint Director,)
Agriculture, Pune Division, Pune)..Respondents

WITH

ORIGINAL APPLICATION NO.1000 OF 2013

DISTRICT : SANGLI

Shri Gurubasappa Shidramappa Halakude,)
Agriculture Assistant, now posted at)
Village Asangi-Turk, Tal. Jath, Dist. Sangli)
Address for service of notice:)
Shri A.V. Bandiwadekar, Advocate,)
9, 'Ram-Kripa', Lt. Dilip Gupte Marg,)
Mahim, Mumbai 400 016)..Applicant

Versus

The Divisional Joint Director,)
Agriculture, Kolhapur Division,)
Line Bazaar, Kasaba Bawada, Kolhapur)..Respondent

AND

ORIGINAL APPLICATION NO.1001 OF 2013

DISTRICT : SANGLI

Shri Rajaram Yashwant Chavan,)
Agriculture Assistant, now posted at)
Village Kolgiri, Taluka Jath, District Sangli)
Address for service of notice:)
Shri A.V. Bandiwadekar, Advocate,)
9, 'Ram-Kripa', Lt. Dilip Gupte Marg,)
Mahim, Mumbai 400 016)..Applicant

Versus

The Divisional Joint Director,)
Agriculture, Kolhapur Division,)
Line Bazaar, Kasaba Bawada, Kolhapur)..Respondent

AND

ORIGINAL APPLICATION NO.1002 OF 2013

DISTRICT : SANGLI

Shri Somnath Laxman Rathod,)
Agriculture Assistant, now posted at)

Village Khairaw, Taluka Jath, District Sangli)
Address for service of notice:)
Shri A.V. Bandiwadekar, Advocate,)
9, 'Ram-Kripa', Lt. Dilip Gupte Marg,)
Mahim, Mumbai 400 016)..Applicant

Versus

The Divisional Joint Director,)
Agriculture, Kolhapur Division,)
Line Bazaar, Kasaba Bawada, Kolhapur)..Respondent

AND

ORIGINAL APPLICATION NO.1003 OF 2013

DISTRICT : SANGLI

Shri Sanjay Kisan Thorat,)
Agriculture Assistant, now posted at)
Village Sankh, Taluka Jath, District Sangli)
Address for service of notice:)
Shri A.V. Bandiwadekar, Advocate,)
9, 'Ram-Kripa', Lt. Dilip Gupte Marg,)
Mahim, Mumbai 400 016)..Applicant

Versus

The Divisional Joint Director,)
Agriculture, Kolhapur Division,)
Line Bazaar, Kasaba Bawada, Kolhapur)..Respondent

Shri A.V. Bandiwadekar – Advocate for the Applicants

Shri N.K. Rajpurohit – Chief Presenting Officer for the
Respondents

CORAM : Shri M. Ramesh Kumar, Member (A)

DATE : 21st April, 2015

J U D G M E N T

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. These OAs No.233 and 1000 to 1003 of 2013 are filed by Shri Arun Babulal Dhende & Anr, Shri Gurubasappa Shidramappa Halakude, Shri Rajaram Yashwant Chavan, Shri Somnath Laxman Rathod and Shri Sanjay Kisan Thorat respectively, seeking issuance of directions:

a) to quash and set aside the order dated 14.6.2012 and subsequent order dated 8.11.2012 by way of which the

applicants were denied the benefits of Time Bound Promotion on completion of 12 years of regular service from the initial date of appointment, on the ground that the applicants have received monetary benefits of non-functional pay structure vide GR dated 8.12.1994, thereby treating the said benefits to be the first benefit of the time bound promotion, vide GR dated 1.4.2010 captioned "Revised Assured Career Progression Scheme".

b) to declare that the said GR dated 8.12.1994 issued by the Agriculture Department is still in force and has not been superseded vide GR dated 1.4.2010 and Para 2(b)(3) thereof and as such the former would prevail in the matter of grant of time bound promotion to the applicants on completion of 12 years of service.

3. Pertinent dates in O.A.No.233 of 2013 are given below:

| Name of the applicant | Date of joining service | Date of receipt of pay scale | Date claimed by applicants for first benefit | By respondents |
|-----------------------|-------------------------|------------------------------|--|----------------|
| (1) | (2) | (3) | (4) | (5) |
| A.B. Dhende | 30.8.1997 | 29.8.2004 | 29.8.2009 | 2016 |
| P.S. Kadam | 9.6.1998 | 7.6.2006 | 9.6.2010 | 2017 |

4. The impugned order dated 14.6.2013 reads as follows:

“विषयांकित प्रकरणी संदर्भाधिन पत्रास अनुसरुन कळविण्यात येते की, वित्त विभागाने दि.२०.०७.२००९ च्या शासन निर्णयान्वये कार्यान्वित असलेली सेवांतर्गत आश्वासित प्रगती योजना दि.०९.०४.२०१० च्या शासन निर्णयान्वये सुधारीत स्वरूपात “सुधारीत सेवांतर्गत आश्वासित प्रगती योजना” या नावाने दि.०९.१०.२००६ पासून अंमलात आणली आहे.

सदर शासन निर्णयातील तरतुदीनुसार विवक्षित सेवा कालावधीनंतर संबंधित पदाच्या कर्तव्ये व जबाबदारी यांत वाढ न होता अकार्यत्मक वा तत्सम उच्च वेतन संरनेचा (Non functional pay structure) मंजूर करण्यात आलेला/येणारा लाभ हा योजनेखालील पहिला लाभ समजण्यात येईल. पहिल्या लाभानंतर १२ वर्षांची नियमित सेवा पूर्ण केलेल्या कर्मचाऱ्यास पदोन्नतीच्या पदाची वेतनसंरचना दुसरा लाभ म्हणून मंजूर करण्यात येईल.”

The subsequent order dated 8.11.2012, also impugned, reads as follows:

“उपरोक्त संदर्भ १ अन्वये आपले अधिनस्त कार्यारत श्री. कदम प्रदिप शिवाजी कृ. सहा. कार्या-ताकृअ दौंड व श्री. धेंडे अरुण बाबुलाल धेंडे कृ.सहा. कार्या-ताकृअ दौंड यांना एकाच पदावर सलग सेवा १२ वर्षे पुर्ण झाल्यास्त

आश्वासित प्रगती योजनेचा लाभ मिळणे बाबतचा प्रस्ताव सादर करण्यात आले आहे.

त्याअनुषंगाने आयुक्तालयाचे संदर्भ क्र.२ अन्वये विवक्षित सेवा कालावधी नंतर संबंधित पदाच्या कर्तव्ये व जबाबदारी यात वाढ न होता अकार्यत्मक वा तत्सम उच्च वेतन संरचनेचा (Non functional pay structure) मंजूर करण्यात आलेला/येणारा लाभ हा योजनेखालील पहिला लाभ समजण्यात येईल. पहिल्या लाभानंतर १२ वर्षांची नियमित सेवा पूर्ण केलेल्या कर्मचाऱ्यास पदोन्नतीच्या पदाची वेतनसंरचनेचा दुसरा लाभ म्हणून मंजूर करण्यात येईल. याबाबत आयुक्तालयाचे दिनांक २१/०७/२०१२ अन्वये शासन पत्रातील तरतुदीनुसार कळविले आहे.”

5. The relevant part of the GR dated 8.12.1994 captioned “राज्यातील कृषि विभागातील कृषि सहाय्यक/कृषि पर्यवेक्षक/कृषि अधिकारी यांना सुधारित वेतनश्रेणी मंजूर करण्याबाबत” reads as follows:

“राज्यातील कृषि विभागातील कृषि सहाय्यक/कृषि पर्यवेक्षक/कृषि अधिकाऱ्यांच्या मागण्यासंबंधीत कृषि संलग्न सेवांमधील समकक्ष पदांना देण्यात आलेल्या वेतनश्रेणीशी तुलना करून कृषि विभागातील कर्मचाऱ्यांच्या वेतनश्रेणीत सुधारणा करण्याचा प्रश्न शासनाच्या दीर्घकाळ विचाराधीन होता. याचा साकल्याने विचार करून शासनाने खालीलप्रमाणे निर्णय घेतला आहे.

शासन आता असे आदेश देत आहे की, राज्यातील कृषि विभागातील खालील..... अधिकार्यांना/कर्मचार्यांना शासनाने दिनांक ०१ जानेवारी १९८६ पासून मंजूर केलेली वेतनश्रेणी ही पुनः सुधारित करुन या पदांना खालीलप्रमाणे दिनांक ०१ जानेवारी १९८६ पासून मंजूर करण्यात येत आहे.

१. कृषि सहायक :- या संवर्गातील विद्यमाना रु.१२००-३०-१४४० द.रो.-३०-१८०० हा वेतनश्रेणी चालू ठेवून ज्या कृषि सहायकाची अर्हताकारी सेवा कृषि सहाय्यक या संवर्गात नियमित ७ वर्षे सेवा पूर्ण झाली आहे त्यांना रु.१३५०-३०-१४४०-४०-१८०० द.रो.-५०-२२०० ही वेतनश्रेणी लागू करण्यात यावी.
२. कृषि पर्यवेक्षक :- या संवर्गासाठी रु. १४००-४०-१६००-५०-२२००- द.रो. -६०-२६०० ही विद्यमान वेतनश्रेणी सुधारुन रुपये १६००-५०-२३००-द.रो.-६०-२६६० ही सुधारित वेतनश्रेणी लागू करण्यात यावी.
३. कृषि अधिकारी वर्ग-२ (कनिष्ठ) :- या संवर्गासाठी रु.१६४०-६०-२६००-द.रो.७५-२९०० ही विद्यमान वेतनश्रेणी सुधारुन रु.२०००-६०-२३००-द.रो.-७५-३२०० ही सुधारीत वेतनश्रेणी लागू करण्यात यावी.”

6. Para 2(b)(2) and (3) of the GR No.Vetan-1109/Pra.Kra.44/Seva 3 dated 1.4.2010 issued by the Finance Department reads as follows:

“(२) कालबद्ध पदोन्नती / सेवांतर्गत आश्वासित प्रगती योजनेखाली कर्मचाऱ्यांनी घेतलेला योजनेखाली त्या कर्मचाऱ्यांचा पहिला लाभ समजण्यात येईल.

(३) विवक्षित सेवाकालावधीनंतर, संबंधित पदाच्या कर्तव्ये व जबाबदारीत वाढ न होता अकार्यात्मक व तत्सम उच्च वेतनसंरनेचा (Non functional pay structure) मंजूर करण्यात आलेला/येणारा लाभ हा या योजनेखालील पहिला लाभ समजण्यात येईल. उदा. मंत्रालय / विधान मंडळ सचिवालयातील कक्ष अधिकाऱ्यांना चार वर्षांच्या नियमित सेवेनंतर देण्यात येत असलेली नियमित सेवेनंतर देण्यात येत असलेली अकार्यात्मक वेतनसंरचना.”

7. The respondents have held in view of the aforesaid provisions, benefits the applicants have received by way of GR dated 8.12.1994, w.e.f. 1.1.1986, is the first benefit. The first benefit under the ACP scheme is granted subject to conditions at 2(b)(2) and (3).

8. Shri A.V. Bandiwadekar, the learned Advocate for the Applicants, contended that:

a) The grant of said higher scale does not constitute grant of “अकार्यात्मक तत्सम उच्च वेतनसंरचनेचा” (non functional pay structure) लाभ” as envisaged in the GR dated 1.4.2010 (Para 6 supra).

b) The respondents have misinterpreted the aforesaid provisions of the GR dated 1.4.2010. The revised pay scales to Agriculture Assistants, Supervisors and Agriculture Officers (Class II Junior) was granted vide GR dated 8.12.1994 in view of the fact that there were anomalies/disparities between the pay scales of the aforesaid cadres and equivalent posts in other department in Agriculture and allied services.

c) The GR dated 1.4.2010 has not superseded the GR of 8.12.1994 issued by the agriculture department.

9. In the affidavit in reply and in the sur-rejoinder, the respondent no.1 has stated as follows:

a) Vide GR dated 8.12.1994, the Agriculture Assistants have been granted a time scale on completion of 7 years of service. Thereafter, the GAD vide GR dated 8.6.1995 introduced the time bound promotion scheme which was followed vide GR dated 20.7.2001 by the Assured Career Progression Scheme. In pursuance to the recommendations no.3.27 of the report of the 6th Pay Commission, a revised GR dated 1.4.2010 pertaining to the ACP Scheme was issued. According to Para 2(b)(3) it has

been made clear that if the benefit of a non-functional pay structure or higher pay scale, on completion of a specified period of service on a post, without change in duties and responsibilities, has been granted, it will be treated as first benefit under the revised ACP Scheme. The said condition is uniformly applicable to Agriculture Assistants as well as other posts having time scale, non functional pay scale/selection grade etc in various offices under the State Government.

b) The applicants are, thus, not entitled to the benefits of the GR dated 1.4.2010 from the year 2004 and 2010 respectively. Since the first benefit has been availed of in the year 2004 and 2006, they would get second benefit, twelve years since i.e. in the year 2016 and 2017.

c) Merely quashing the impugned orders would not serve any purpose since the ACP Scheme GR is issued by the Finance Department. A similar issue has been raised by the Tracers Association in OA No.866 of 2012 which is pending for final hearing before the Aurangabad Bench of this Tribunal.

d) If there is no increase in duties and responsibilities of a post and if a non-functional higher pay is granted, it has to be treated as the first benefit.

e) The GR dated 8.12.1994 has been issued "to extend the benefit of discrepancy" (removal of discrepancy), probably the respondents wants to say, of pay scales, in 4th Pay Commission.

10. The learned counsel for the applicants relied on order dated 26.2.2015 of Nagpur Bench of this Tribunal in OA No.636, 733 and 599 of 2013. Aforesaid Para 2(b)(3) of the GR was cited to deny the first benefit on the ground that the applicants were granted the benefits of higher non functional pay scales. Para 9 to 12 of the judgment reads as follows:

"9. The applicants have contested this by submitting that the scale of 1350-2200 is not a higher pay scale. It is only a revision of existing pay scale. Hence, in my view a proper interpretation of the notification dated 7.11.1998 is called for.

The notification dated 7.11.1998 states as follows:

शासन अधिसूचना

"भारताच्या संविधानाच्या अनुच्छेद ३०९ च्या परंतुकान्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्राचे राज्यपाल, शासन अधिसूचना, वित्त विभाग क.वेपून-१२८८/१५४/सेवा-१०, दि. १ ऑक्टोबर, १९८८ अन्वये निर्गमित करण्यात आलेल्या महाराष्ट्र नागरी सेवा सुधारित वेतन नियम १९८८ च्या सोबत जाडलेल्या वेतन अनुसूचीत खालीलप्रमाणे करीत आहेत."

10. On reading this notification dated 7.11.1998, it is clear that it is for notifying certain amendments in the pay scales under the provisions of the Maharashtra Civil Services (Revised) Pay Rules, 1988 by way of revision in the pay scales subsequent to the notification dated 1.10.1988 issued as per the above Rules.

The applicants have also relied on the GR dated 14.12.1998 vide which the above revised pay scales have been given effect from 1.1.1986. The GR states as follows:

शासन निर्णय “दुग्ध व्यवसाय विकास विभागातील दूध प्रापण पर्यवेक्षक तथा दूध संकलन पर्यवेक्षक, ज्यांची वेतनश्रेणी रुपये १२००.१८०० आहे, त्यांना १३५० ही सुधारित वेतनश्रेणी लागू करण्याचा प्रस्ताव शासनाच्या विचाराधीन होता.

१) शासन आता असा आदेश देत आहे की दुग्ध व्यवसाय विकास विभागात काम करणाऱ्याच्या दूध प्रापण पर्यवेक्षक तथा दूध संकलन पर्यवेक्षकांनी अर्हताकारी सेवा दूध प्रापण पर्यवेक्षक या संवर्गात नियमित ७ वर्षे पूर्ण झालेली आहे अशांना व ज्यांनी विद्यमान वेतनश्रेणी रुपये १२००-१८०० आहे त्यांना

रु.१३५०-२२०० ही सुधारित वेतनश्रेणी दि.१-१-८६ पासून लागू करण्यात येत आहे. हे आदेश वित्त विभागाच्या दि.३१-१०-१९९८ च्या शासन निर्णय व ७-११-१९९८ शासन निर्णय च्या अधिसूचनेतील तरतूदीस अधीन राहून निर्गमित करण्यात येत आहे.”

11. The conjoint reading of the notification and the GR shows that the Govt. has revised the existing pay scale of Milk Procurement/Distribution Supervisors from Rs.1200-1800 to Rs.1350-2200 as per the notification of 7.11.1998. It is not a higher pay scale applicable to the post of Milk Procurement/Distribution Supervisor.

12. The Ld. PO has referred to the notification dated 1.10.1988 under the MCS (Revised) Pay Rules, 1988 vide which pay scales have been revised consequent to the 4th Pay Commission. As per this notification the pay scale of the applicants' post is revised from Rs.260-495 to Rs.975-1540. According to the Ld. PO the pay scales of Rs.1200-1800 and Rs.1350-2200 as per the notification of 7.11.1998 are higher pay scales introduced for the post. He was however unable to produce before me any document to demonstrate that a decision to introduce these higher pay scales over that of Rs.975-1540 was taken subsequent to the notification dated 1.10.1988,

following the pay revision as per the 4th Pay Commission. I therefore, rely on the texts of the notification dated 7.11.1998 and 14.12.1998 reproduced in Paras 8 and 9 above which clearly state that the pay scale of the post is being revised to Rs.1350-2200 subject to certain conditions, e.g. 7 years' service. In that view of the matter, I hold that the pay scale of Rs.1350-2200 cannot be construed to be a higher pay scale introduced over the pay scale of Rs.975-1540 or 1200-1800. Hence, the respondents cannot be held to be correct in assuming that grant of pay scale of Rs.1350-2200 after 7 years' service amounts to a higher (non-functional) pay scale. It therefore cannot be counted as the first benefit of grant of a higher pay scale. Consequently, the revision of pay scale to Rs.1350-2200 does not attract the provisions of Para 2(b)(3) of the GR dated 1.4.2010. Hence, the applicants are deemed to have received the benefits of higher pay scale (time bound promotion) for the first time on completion of 12 years of service and they were correctly granted the benefits of 2nd time bound promotion on completion of further 12 years of service, which was the 2nd benefit and not the 3rd as presumed by the respondents. Taking into consideration the view, the OA stands allowed in terms of the following direction:

The orders dated 27.5.2013 (in OA No.599 and 636/2013 and the order dated 2.9.2013 in OA No.733/2013 are quashed and set aside.”

11. A plain reading of the GR dated 8.12.1994 shows that the pay scales of Agriculture Assistants, Supervisors and Agriculture Officers, Junior Class II, were revised. Those who have completed 7 years would get the revised scale. The pay scales of the aforesaid cadres and revised pay scales are as follows:

| Cadre | Existing (then) | Revised |
|------------------------|-----------------|-----------|
| Agriculture Assistant | 1200-1800 | 1350-2200 |
| Agriculture Supervisor | 1400-2600 | 1600-2660 |
| Agriculture Officer | 1640-2900 | 2000-3200 |

These revised pay scales have been made applicable w.e.f. 1.1.1986 i.e. on the day 4th Pay Commission recommendations were made applicable.

12. That the said revision was in the context of removal of discrepancy or anomaly in view of the recommendations of 4th Pay Commission, is admitted in Para 9(e) supra.

13. Though the said revised pay scales have been granted to the holders of the said pay scales without any concomitant increase in duties and responsibilities, it cannot

be said that it is a higher pay scale granted as per the descriptions in Para 2(b)(3) of the GR dated 1.4.2011. It is pertinent to note that the said Para refers to an example of the benefit of the pay structure which is given to Desk Officers in Mantralaya or Legislative Secretariat on completion of 4 years of service. It is a type of benefit which is schematic and not given as a onetime grant. It reads:

“(२) कालबद्ध पदोन्नती / सेवांतर्गत आश्वासित प्रगती योजनेखाली कर्मचाऱ्यांनी घेतलेला योजनेखाली त्या कर्मचाऱ्यांचा पहिला लाभ समजण्यात येईल.

(३) विवक्षित सेवाकालावधीनंतर, संबंधित पदाच्या कर्तव्ये व जबाबदारीत वाढ न होता अकार्यात्मक व तत्सम उच्च वेतनसंरनेचा (Non functional pay structure) मंजूर करण्यात आलेला/येणारा लाभ हा या योजनेखालील पहिला लाभ समजण्यात येईल. उदा. मंत्रालय / विधान मंडळ सचिवालयातील कक्ष अधिकाऱ्यांना चार वर्षांच्या नियमित सेवेनंतर देण्यात येत असलेली नियमित सेवेनंतर देण्यात येत असलेली अकार्यात्मक वेतनसंरचना.”

14. Under these circumstances, the contention of the learned counsel for the applicants that the GR dated 8.12.1994 was issued with a view to remove the anomalies in pay scales of

Agriculture Officers vis-a-vis other cadres in the same department holding equivalent posts, appears to be correct. The GR dated 20.7.2001 pertaining to ACP Scheme, (which was revised by way of GR dated 1.4.2011) prescribes in Para 2(4) that under the scheme pay scale of the promotional post will be granted while granting the benefits of the scheme. This is the basic entitlement of the ACP Scheme. On completion of 12 years, the scale of promotional post would be granted as the first benefit. Scale of the next promotional post would be granted as the second benefit on completion of 24 years.

15. It can be seen, however, that by way of the GR dated 8.12.1994, the Agriculture Assistants were not granted the scale of the promotional post which would be Rs.1400-2600 of Agriculture Supervisor. Indeed, the scale of Agriculture Assistants was revised to Rs.1350-2200. The said pay scale granted by way of the said GR dated 8.12.1994 w.e.f. 1.1.1986 and it is quite clear that it was with a view to remove anomalies pertaining to pay scales in Agriculture and allied services. The preamble of the GR dated 8.12.1994 reads as follows:

“राज्यातील कृषि विभागातील कृषि सहाय्यक/कृषि पर्यवेक्षक/कृषि अधिकाऱ्यांच्या मागण्यासंबंधीत कृषि संलग्न सेवांमधील समकक्ष पदांना देण्यात आलेल्या वेतनश्रेणीशी तुलना करून कृषि विभागातील कर्मचाऱ्यांच्या वेतनश्रेणीत सुधारणा करण्याचा प्रश्न शासनाच्या दीर्घकाळ विचाराधीन

होता. याचा साकल्याने विचार करुन शासनाने खालीलप्रमाणे निर्णय घेतला आहे.”

This “exceptional” GR issued, in the context of recommendations of 4th Pay Commission cannot be described as the benefit referred to in Para 2(b)(3) of the GR dated 1.4.2011 which is part of a scheme.

16. The said GR dated 1.4.2011 has not superseded the GR dated 8.12.1994.

17. A policy decision regarding time bound promotion, first issued on 8.6.1995, of giving scale of the promotional post cannot be equated with grant of a pay scale prior to 1995, that too, w.e.f. 01.01.1986, which in any case not a promotional scale. The said revision therefore cannot attract the condition in Para 2(b)(3) of the GR dated 1.4.2011.

18. Thus, the impugned order dated 14.6.2012 and 8.11.2012 are quashed and set aside. The respondents have pointed out in Para 9(c) supra merely quashing of the impugned orders would not serve the purpose, since the said G.R. would continue to be in force. There is no need to challenge the said G.R. It is hereby held that the conditions in Para 2(b)(3) of the GR dated 1.4.2011 is not applicable in the case of those persons who were granted benefits by way of GR dated

8.12.1994. The said benefits, granted by way of the said GR cannot be said to be the first benefit, because it is neither a grant of a scale in the promotional post nor grant of a benefit by way of non functional pay structure. The intention of the said GR was merely removal of anomalies in the pay scales of equivalent posts in the Agriculture and allied Services.

19. The first benefit of the A.C.P. scheme should be granted to the applicants on completion of 12 years of service, if they fulfill the condition for first benefit. That their scales were revised by way of G.R. dated 08.12.1994 should not deprive them of the said benefit and it should not be considered as the first benefit.

20. Thus, the OA No.233 of 2013 is allowed with the aforesaid directions. Requisite orders in this regard should be issued within two months of the date of this order.

OAs No.1000, 1001, 1002 and 1003 of 2013

21. The issues involved in these OAs are also the same, i.e. grant of revised pay scales by way of GR dated 8.12.1994 and denial of the benefits of ACP Scheme by invoking the conditions in Para 2(b)(3) of the GR dated 1.4.2011. The facts of the case are different but issues to be adjudicated are essentially the same. In view of the reasons given in the order

in OA No.233 of 2013 (supra), it is hereby held that the said conditions in the G.R. dated 01.04.2011 cannot result in denial of benefits of the ACP Scheme to the applicants on completion of 12 years for initial appointment, on the ground that their pay scales had been revised by way of GR dated 8.12.1994. The ACP Scheme benefits should be granted to the applicants, as if the first benefit did not accrue to them, by way of grant of the said benefits byway of GR dated 8.12.1994. They are covered by the order in para 19 supra.

22. The aforesaid OAs are allowed to that extent with the aforesaid directions. No order as to costs. Requisite orders in this regard should be issued within two months of the date of this order.

Sd/-

(M. Ramesh Kumar)
Member (A)
21.4.2015

Date : 21st April, 2015

Dictation taken by: S.G. Jawalkar.