

Claim Petition No. 18/NB/DB/2019

Mrs. Kalpana Manral

Vs.

State of Uttarakhand & others

Dated: 29.08.2022

On perusal of the file, it is found that the order dated 13.02.2013, vide which the 1st ACP to the petitioner has been sanctioned, is annexed as Annexure No.CAR-2 to the C.A. This order states the following about the petitioner:

- (i) Date of appointment - 01.02.1999
- (ii) Date of completion of 10 years' satisfactory service - 31.01.2009.
- (iii) The Pay Band and Grade Pay admissible on the date before 01.02.2009, the date of application of 1st ACP - Pay Band Rs. 9300-34800/-, Grade Pay Rs. 4200/-.
- (iv) Upgradation/amendment as a result of sanction of 1st ACP from 01.02.2009 - Pay Band Rs. 9300-34800, Grade Pay Rs. 4600/-

This order does not say whether the grade pay of Rs. 4600/ has been given as the Grade Pay of the next post of promotion as District Social Welfare Officer or District Probation Officer. According to the pleadings, on 01.02.2009, the Grade Pay of District Social Welfare Officer as well as Grade pay of District Probation Officer was Rs. 4200 only. This 1st ACP of Rs. 4600 has been given in accordance with sub para (3) of para 1 of the G.O. dated 08.03.2011 about ACP (Annexure no. 6 to the claim petition) which states that the Grade Pay admissible as ACP shall be the grade pay next to the earlier pay according to column (4) and (5) of Annexure 1 of the G.O. No. 395/XXXVII (7)/2008, Dated 17.10.2008. Though this Annexure: 1 of this G.O. has not been filed with Annexure-6, a perusal of this Annexure in the collection of important orders of the Finance Department shows that Rs. 4600/- is the next Grade Pay after Grade Pay of Rs. 4200/- which the petitioner was getting before ACP. Thus, ACP has been sanctioned according to the G.O. dated 08.03.2011 which has no linkage to any promotional post, either District Social Welfare Officer or District Probation Officer.

Learned Counsel for the parties may explain on the next date hereby fixed, why they are linking this ACP to promotional post. Learned Counsel for the respondents may also inform the action taken about grant of 2nd ACP to the petitioner.

List on 20.09.2022 for hearing.

RAJEEV GUPTA
VICE CHAIRMAN (A)

RAJENDRA SINGH
VICE CHAIRMAN(J)