

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman(J)

Hon'ble Mr. A.S.Rawat

-----Vice Chairman(A)

CLAIM PETITION NO. 42/NB/DB/2019

Shri Naveen Chandra Bahuguna aged about 53 years s/o Sri Pitambar Dutt Bahuguna, presently posted as Assistant Account Officer, Directorate of Dairy Development, Haldwani.

.....**Petitioner**

Vs.

1. State of Uttarakhand through its Secretary (Finance)/Animal Husbandry, Subhash Road, Dehradun.
2. The Director, Animal Husbandry, Mothorowala, Road, Uttarakhand, Dehradun.

.....**Respondents**

Present: Sri D.S.Mehta, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED: NOVEMBER 06, 2024

By means of present claim petition, the petitioner seeks the following reliefs:

“(i) To issue order or direction to the respondents to pay the ACP considering the appointment of the petitioner in Accounts Cadre w.e.f. 10.07.1989 because the petitioner was appointed on the post of Cashier w.e.f. 10.07.1989 on the basis of the qualification

of the petitioner as Commerce Graduate and initial Cadre in the Accounts began w.e.f. 10.07.1989 and the lien of the Ministerial Cadre finished on the date of his appointment in the Accounts Cadre.

(ii) To issue order and direction to the Respondents to pay all the consequential benefits when granting the A.C.P. considering his appointment in the Accounts Cadre w.e.f. 10.07.1989

(ii)(a) To set aside the impugned order dated 28.09.2018 (contained as Annexure no. 1 to the Claim Petition) passed by the respondent authority.

(iii) Any other relief which the Hon'ble Court may deem fit and proper in the circumstances of the case.

(iv) To award cost of this petition to the petitioner. ”

2. The brief facts of the case are as follows:

2.1 The petitioner was initially appointed on the post of Junior Clerk in Gen./Ministerial Cadre in Animal Husbandry Department by Deputy Directory, *Pashupalan Vibhag Kumayun Mandal Nainital* vide order dated 21-12-1985. The State Govt. vide order dated 11-8-1983, directed to create the separate Accounts Cadre and sanctioned new pay scales and for the posts of Accounts, statistics cadres. The Additional Director, Pashupalan Department (Hills) issued the Order dated 24-3-1984 for implementation of the Govt order and the Director Pashupalan Vibhag Uttar Pradesh Lucknow issued instructions vide order dated 21-11-1987 to implement the order on top priority. The Subordinate Offices were directed that the clerical cadre and the accounts cadre may be defined. As per G.O. dated 26-3-1987 the Animal Husbandry Department established the Accounts Cell under Accounts Cadre and the Director Pashupalan Vibhag UP and Deputy Director Pashupalan Vibhag created a new post of Cashier equivalent to the post of Assistant Accountant. Both the posts having a similar pay scale Rs. 1200-2040 and on the basis of fourth pay commission report w.e.f. 01.01.1986.

2.2 As per G.O. dated 15-1-2009 issued by The Uttarakhand Dairy Development Department, Haldwani the pay scale of the Assistant Accountant and the Cashier were merged, the Post of Cashier was merged into Asstt. Accountant.

2.3 As per G.O. dated 26-3-1986, the post of Cashier were published under which, one post was filled up through direct recruitment and second post of the Cashier was filled up from the department as there was no other Commerce Graduate except the petitioner, the petitioner was selected on the post of Cashier as he was the Commerce Graduate and on the basis of the adoption of Account Cadre.

2.4 The Deputy Director of the Animal Husbandry Department issued an Office Order dated 19-6-1989 under which the accounts cadre, the qualification defined the Commerce Graduate and the petitioner having a requisite qualification and on the same basis, the petitioner was appointed on the post of the Cashier vide order dated 19-6-1989.

2.5 Vide order dated 07-11-1997, the petitioner was promoted on the post of Accountant. Vide G.O. dated 28-2-1986, the post of the Asstt. Accountant and Cashier were equivalent and as per fourth pay commission report w.e.f. 01-01-1986 and the arrangement was made that the Candidate who acquired the qualification in the commerce, the ministerial cadre may be converted to the Accounts Cadre, the petitioner was the commerce graduate, as per G.O. dated 11-8-1983 qualification of Asstt. Accountant are same and the pay scale also equal therefore the Petitioner was eligible for the said post.

2.6 As soon as the petitioner came in the accounts cadre w.e.f. 10-07-1989, the First Promotion was granted as Accountant on 17-11-1997 and the A.C.P. granted on 01-09-2008 which may be treated as the first and second benefits, but the Respondent treated as second and third benefits.

2.7 The petitioner sent representation dated 4-9-2017 to the Additional Director Animal Husbandry Kumaun Mandal, in which, the petitioner stated that w.e.f. 10-7-1989, the cadre of the petitioner was changed from Ministerial Cadre to the Accounts Cadre and prayed that the illegal order of issuing the third A.C.P. may be counted as second A.C.P. as per G.O. dated 8-3-2011 Clause No. 2 (1)(Ka) (v). In this G.O. there was Provision of three benefits in particular cadre as per G.O. dated 17-2-2017. The accounts cadre of the petitioner may be considered from the initial appointment in cadre of the cashier in the accounts cadre.

2.8 The petitioner sent a representation dated 4-9-2017 to the *Upper Nideshak Pashupalan* Department requesting therein that the cadre of the petitioner was changed therefore, the ACP may be considered from the date when the petitioner came in accounts cadre. The representation of the petitioner was recommended vide letter dated 15-11-2017 in which the Upper Nideshak recommended that the benefits which was granted to the Petitioner seems to be incorrect and the third A.C.P. which were granted to the Petitioner to be treated as second A.C.P. w.e.f. 01.09.2008. After one year the representation of the petitioner was rejected by the Director, Animal Husbandry and informed by the *Upper Nideshak Pashupalan* Department stating therein that the petitioner was entered on the post of Junior Clerk and three benefits to be considered w.e.f. the date when the petitioner was appointed in the Junior Clerk.

2.9 The petitioner acquired the qualification of B.Com, therefore, considering his qualification he was competent to enter in the Cadre of Accounts he was selected on 10-7-1989 on the Post of the Cashier which pertains to Accounts cadre therefore as soon as the petitioner entered into the Accounts cadre his lien in the Ministerial cadre was finished and the new cadre started from the date of joining in Accounts cadre w.e.f. 10-7-1989, Therefore the A.C.P benefits to be granted to the petitioner as per G.O. No. 872 dated 8-3-2011 as defined in Clause No. 2(Ka) V and the three benefits in particular cadre to be

granted to the petitioner looking to the arrangement of G.O. No 11 dated 17-2-2017 as per Clause No. 26 which clearly defined that in one Department for the other Department if the Cadre was change from Ministerial to the Accounts or the vice-versa and the benefits of the ACP to be given from the initial cadre convert in the transfer cadre. The Respondent considered the Ministerial Cadre and Accounts Cadre is one Cadre when it is purely different Cadre and the benefits of the ACP to be given from the date when the petitioner joined in the Accounts Department which is legal and as per Provision of Law the three promotional/ ACP benefits to be granted to the Petitioner. As per the G.O. No. 589 dated 1-7-2013. Therefore the benefits/ACP to be granted considering the Accounts Cadre to the Petitioner to be Accounts Cadre w.e.f. 10- 7-1989 as Table given below:-

लेखा संवर्ग में कार्यभार/मौलिक नियुक्ति की तिथि एवं देय ग्रेड वेतन	लेखा संवर्ग में प्रथम पदोन्नति की तिथि एवं देय ग्रेड वेतन	लेखा संवर्ग में द्वितीय ए०सी०पी० की तिथि एवं देय ग्रेड वेतन	लेखा संवर्ग में तृतीय ए०सी०पी० की तिथि एवं देय ग्रेड वेतन
दि० 10-7-1989 ग्रेड वेतन रू० 2800/-	दि० 17-11-1997 लेखाकार के पद पर पदोन्नति, ग्रेड वेतन रू० 4200/-	17-11-2003 देय तिथि दि० 1-9-2008 ग्रेड वेतन रू० 4600/-	17-11-2003 ग्रेड वेतन रू० 5400/-

2.10 As per G.O. dated 26-07-2019 issued by the Police Department under which the Police Officials who were entered on the Post of Constable and subsequently promoted on the post of Head Constable and further they have been selected on the post of Sub Inspector on the basis of the qualifying the examinations, the cadre of the Sub Inspector was treated as the initial cadre and all the benefits were granted to them considering the date of appointment in the Cadre of Sub Inspector. The A.C.P. and the promotion benefits were counted from the date of entry on the post of Sub Inspector and not from the date of the entering the post of Constable or Head Constable.

2.11 As per office order dated 14-11-2013 issued by the Upper *Nideshak, Pashupalan Vibagh*, the A.C.P. benefits were granted to

their employees when they have entered in the Asstt. Account Cadre identical to the entry of the Petitioner in the Accounts cadre and the A.C.P. benefits is granted to the Petitioner as third A.C.P. w.e.f. 1-9-2008 the said benefits to be treated as the second benefits identical the other employees. The A.C.P. was granted on 1-9-2008 which is to be treated as the second A.C. P. which is to be given w.e.f. 17-11-2003 and not from 01-09-2008. The third benefits of A.C.P. to be granted w.e.f. 17-11-2013 in the Pay Grade of 5400/-.

3. C.A./W.S. has been filed on behalf of the respondents no. 1 & 2, in which, it has been stated that-

3.1 The petitioner was initially appointed as Junior clerk in clerk cadre on 21-12-1985 thereafter he was promoted on the post of cashier on 10-07-1989 on the basis of promotion he was not directly appointed on the post of Cashier. The contention of the petitioner that he was transferred to account department after his promotion is not admissible. As per the ACP scheme the benefit of ACP will be granted from the date of first appointment after completing the service prescribed. The petitioner was promoted on the post of Accountant w.e.f. 17-11-1997 and as per the service record the petitioner was granted the third ACP w.e.f. 01- 09-2008.

3.2 The erstwhile state of Uttar Pradesh vide its government order no. वेआ-1802/10-34 dated 11-08-1993 approved the recommendations of the pay commission 1979-80 and as per the orders new pay scale was granted to the accounts, statics and accounts assessment cadre. In which the appointment procedure, qualification and pay scale for the post of Junior Account Clerk, Account Clerk, Assistant Accountant, and Accountant of Accounts cadre were defined. The petitioner was promoted on the post of Cashier and in the aforesaid government order the cashier post was not included which is established from the paragraph no. 4.5 of the claim petition. The director Animal Husbandry Department Uttar Pradesh vide order no 444/dated 21-11-1987 has written for making

Account Cadre. At the time of the promotion of the petitioner the account cadre was not established and in the aforesaid government order the post of Cashier was not included in the Accounts Cadre. The Additional Director Animal Husbandry Department Hills Gopeshwar Chamoli vide its letter no. 1552-58 dated 28-03-1984 written for formation of Accounts Cadre to his subordinate officers. But till then in the Animal Husbandry Department Hill region the Account Cadre was not established.

3.3 Vide Government Order no. 4523/28-8-86-2(54-pa)/86 dated 26-03-1987, the different posts were created after restructuring the Accounts cadre in Divisional in Hill region of the Animal Husbandry Department, in which 8 posts Assistant Accountant pay scale Rs 470-735 were created and 8 posts of Cashier pay scale of Rs. 430-685 were created. Hence the posts of Assistant Accountant and Cashier were created in different pay scales. The post of Assistant Accountant is the initial appointment post in Accounts Cadre The petitioner has mentioned about the merger of Assistant Accountant and Cashier of Dairy Development Department, which was not acceptable in the Animal Husbandry Department. The petitioner was promoted to the post of Cashier from Junior Clerk. In Village Development Department, the Accounts Clerk post was available from the initial stage and as per the government order the Accounts Cadre was established earlier in the Village Development Department The petitioner was not promoted on the post of original post of Assistant Accountant of account cadre.

3.4 The contention of the petitioner is that he was appointed on the post of Cashier is wrong and misconceived because the petitioner was promoted on the post of Cashier. It is stated the petitioner was initially appointed on the post of Junior Clerk on 21-12-1985 and he was granted first promotion on the post of Cashier on 10-07-1989 and thereafter he was given second promotion on the post of Accountant on 17-11-1997 and as per ACP scheme of 01-09-2008 he was granted the benefit of Third ACP of Grade Pay of Rs 4600 on 01-09-2008 as per his initial appointment. Hence the petitioner has been given benefit

of two promotions and one ACP in his service. It is relevant to mention here that the petitioner was again promoted on the post of Assistant Account Officer in June 2012. It is very much relevant to mention here that as per the point 2(1) Ka (v) of government order no. 872/xxvii (7) Na Parti/2011 dated 08-3-2011 after getting third promotion no benefit of ACP was admissible to the employee.

4. R.A. has been filed by the petitioner denying the contention made in the Counter Affidavit and in reply, it has been stated that-

4.1 The petitioner was initially appointed on the post of Junior Clerk on 21.12.1985 in Ministerial cadre but according to his educational qualification he was appointed on the post of Cashier on 10.07.1989 by which his cadre has been changed in Accounts Cadre, so the petitioner is entitled to grant the benefits of ACP from 10.07.1989 when he was appointed substantively on the post of Cashier. But the respondent authority has not given the said benefits to the petitioner, so he filed this claim petition before this Hon'ble Tribunal.

4.2 According to the government order no. 4523 dated 26.03.1987, the respondent department established the Accounts Cell and newly created post of Assistant Accountant and Cashier are the post of Accounts cadre in the department. The representation of the petitioner was forwarded by the Deputy Director of the Department by his letter no.3620-21 dated 15.11.2017 which shows the cadre of the petitioner was changed in Accounts Cadre on 10.07.1989, so he is entitled to get the benefits of ACP from 10.07.1989, date of his initial appointment on the post of Cashier. That it is also pertinent to mention here that when the petitioner was selected/appointed on the post of Cashier on 19.06.1989 in which his educational qualification is mentioned and it is stated that the petitioner fulfilled all the eligible criteria to be appointed on the post of Cashier. As per the Government order no.872 dated 08.03.2011, the employee is entitled to get three benefits in particular cadre and it is also clear in Government order no.11 dated 17.02.2017 as *"in one department or the cadre has been changed from one*

department to another department, the benefits of MACP has been given from date when his cadre was changed.

4.3 The respondent department by the order no. 4532 dated 26.03.1987 established the Accounts Cell and for the post of Cashier the education qualification is fixed B.Com. and accordingly the post was advertised on which Mr. Vinod Kumar was appointed as Assistant Accountant /Cashier who was initially appointed in Ministerial cadre. The petitioner was also appointed on the post of Cashier on 10.07.1989 on the basis of his educational qualification while he was junior to some other Junior Clerks in the department. In the seniority list of Ministerial Cadre, the name of the petitioner was shown at serial no.42 and that of Mr. Vinod Kumar shown at serial no.60, the respondent authority has given the benefit of ACP to Mr. Vinod Kumar from the date when he was promoted/appointed on the post of Cashier/Assistant Accountant but the benefit of ACP from the date of 10.07.1989 was denied to the petitioner which he is legally entitled.

4.4 On the basis of Govt. order no.4523 dated 26.03.1987 the Accounts Cell was established by the respondents and newly created post of Assistant Accountant and Cashier, till 15.04.1987 the promotion was given according to the seniority but by the order no. 7681-7701 dated 31.07.1987, the respondent department reverted the employees who had been promoted on the basis of seniority vide letter no.4922 dated 09.07.1987, it is directed the promotion has not been given on the post of Assistant Accountant/Cashier in Account Cadre. According to the letter dated 09.07.1987 issued by the Additional Director in which it is mentioned the post of Assistant Accountant/Casher will be post of Accountant Cadre.

4.5 The 4th Pay Commission dated 01.01.1986 the pay scale of Cashier (430-685) and Assistant Accountant (470-785) has been revised as Rs 1200-2040 and the post of Cashier and Assistant Accountant were merged, the next higher pay scale of the post of Accountant has been revised as 1400-2600, according to the office

order no.4363-67 dated 07.11.1997, the petitioner was promoted on the post of Accountant on pay scale of Rs. 1400-2600. So, the contention of the respondent department, the account cadre was not established on the date when the petitioner was promoted on the post of Cashier is totally false.

4.6 According to the order dated 24.03.1984 and 31.11.1987 issued by respondent department, the petitioner was appointed on the post of Cashier in Account Cadre according to his educational qualification and he was promoted on the post of Accountant in the Accounts Cadre. After the selection on the post of Cashier the respondent department has not given promotion to the petitioner in Ministerial Cadre, in the letter dated 15.11.2017 Additional Director admitted this fact that on 10.07.1989 the cadre of the petitioner was changed in account cadre and for granting the benefit of ACP to the petitioner from 10.07.1989 which is the date of substantive appointment of the petitioner in Accounts Cadre.

4.7 On one hand the respondent authority has not granted the benefit ACP to the petitioner from 10.07.1989 when he was appointed substantively on the Cashier in Accounts Cadre or not granted to promotion in Ministerial Cadre and also not given the benefit of pay scale which is received by the junior of the petitioner in ministerial cadre. The juniors namely Smt. Tara Sanwal and Smt. Usha Rajwar of the petitioner in ministerial cadre are getting higher pay scale of Rs.15600-39100 with grade pay of Rs.5400, level-10 (56100-1,77,500) while the petitioner is getting the pay scale of Rs.9300-34800 with grade pay of Rs.4800 (Leave-8, 47600-1,51,100), this act of the respondent authority is totally illegal, perverse and not tenable in the eyes of law.

4.8 One employee of the department Mr. Girish Lal who was initially appointed on the post of Junior clerk then he was promoted/appointed on the post of Cashier/Assistant Account on 08.03.2011 and his cadre was changed from ministerial cadre to

accounts cadre and the benefit of ACP was given to him from 08.03.2011, when he was promoted/ substantively appointed on the post of Assistant Accountant.

5. This Tribunal vide order dated 12.04.2022, sought clarification from the respondents on the contentions of the petitioner raised in the Rejoinder Affidavit, on the following points:

(1) Whether the appointment of the petitioner to the post of cashier was by way of promotion or cadre change? If it was promotion, then details of DPC etc. in this regard be given.

(ii) Why the cases of Sri Vinod Kumar and the petitioner are being treated differently?

(iii) The details of grant of ACP to Sri Girish Lal and specific reply to para 14 of the rejoinder affidavit.

(iv) Why and how Smt. Tara Sanwal and Smt. Usha Rajwar, who were junior to the petitioner in the ministerial cadre, are getting higher pay scale than the petitioner?

6. In reply of the above queries of the Tribunal, the respondents filed supplementary affidavit stating therein that-

याची की पशुपालन विभाग में कनिष्ठ सहायक के पद पर नियुक्ति हुई तथा उत्तर प्रदेश शासन के शासनादेश सं० 4523/28-8-86-2(54)/88 दिनांक 26 मार्च, 1987 के द्वारा कैशियर के पदों का सृजन किये जाने के उपरान्त उपनिदेशक, पशुपालन विभाग, नैनीताल के कार्यालय आदेश सं० 10258-64 / टी० स्था०/89-90 दिनांक 19.06.1989 द्वारा श्री बहुगुणा को उनकी शैक्षिक योग्यता बी०काम० के आधार पर कनिष्ठ सहायक से कैशियर के पद पर पदोन्नत किया गया है। कार्यालय अभिलेखों के अनुसार उक्त पदोन्नति हेतु डी०पी०सी० नहीं हुई है। कैशियर पद तक कार्मिक मिनिस्ट्रीयल संवर्ग में ही आते थे। नवीन बहुगुणा का कैशियर के बाद सीधे लेखाकार के पद पर पदोन्नति हुई है जो कि लेखा संवर्ग के अन्तर्गत आता है, जो मिनिस्ट्रीयल संवर्ग से अलग कैडर है। लेखा संवर्ग में श्री बहुगुणा की सेवाएँ लेखाकार के पद पर योगदान करने के बाद ही प्रारम्भ हुई हैं।

श्री बिनोद कुमार, की प्रथम नियुक्ति कैशियर के पद पर हुई है, जबकि श्री नवीन बहुगुणा की नियुक्ति कनिष्ठ सहायक के पद पर तथा पदोन्नति कैशियर के

पद हुई है, इस प्रकार श्री बहुगुणा के सोपक्ष श्री विनोद कुमार एक स्तर उच्च पद पर नियुक्त हुए हैं।

श्री गिरीश लाल की नियुक्ति / पदोन्नति / ए०सी०पी० अनुमन्यता का विवरण निम्न प्रकार है:-

1- प्रथम नियुक्ति आदेश दिनांक 23.07.1992 द्वारा कनिष्ठ लिपिक के पद पर।

2- पदोन्नति आदेश दिनांक 13.11.1996 द्वारा कैशियर के पद पर।

3- लेखा संवर्ग में पदोन्नति आदेश दिनांक 31.05.1997 द्वारा सहायक लेखाकार (लेखा संवर्ग का मूल पद है) के पद पर।

4- लेखा संवर्ग में प्रथम पदोन्नति आदेश दिनांक 04.07.2005 द्वारा लेखाकार के पद पर।

5- द्वितीय ए०सी०पी० अनुमन्य तिथि 08.07.2011 आदेश दिनांक 11.07.2013 द्वारा लेखाकार के पद पर 06 वर्ष की सेवा पूर्ण करने पर वेतन बैण्ड 9300-34800 ग्रेड वेतन- 4600.00 अनुमन्य ।

6- शासनादेश सं० 770 दिनांक 06.11.2013 में दी गयी व्यवस्था के अनुसार आदेश दिनांक 14.11.2013 द्वारा लेखा संवर्ग में पदों के ढांचे के अनुसार दिनांक 01.11.2013 से लेखाकार के पदोन्नति पद सहायक लेखाधिकारी का वेतन, वेतन बैण्ड 9300-34800 ग्रेड वेतन- 4800.00 अनुमन्य किया गया है। शासनादेशों के अनुसार कार्मिकों के लिए ए०सी०पी० की व्यवस्था दिनांक 01.09.2008 से लागू है।

7. We have heard learned Counsel for the parties and perused the record.

8. The learned counsel for the petitioner pleaded that the petitioner was appointed on transfer to the post of the cashier in the accounts cadre on 10/7/1989. Out of the two posts one was filled by direct recruitment and another post was filled by the appointment of the petitioner who fulfilled the eligibility criteria in terms of qualification. The post of the cashier is the lowest post in the accounts cadre after the merger of the scales and subsequently the merger of post of cashier into Asstt. Accountant in the Accounts Cadre. He further submitted that there is change in the cadre and the benefits of the ACP can be given in the hierarchy of the cadre, this has been done in case of the persons in the Ministerial cadre and the Accounts cadre both. Had the petitioner been in the Ministerial cadre he would have got the higher scale. He is

in disadvantageous position due to the cadre change and the non-consideration of his initial appointment at the level of the cashier/ Asstt accountant. So he should be considered for promotion under ACP from his date of appointment as cashier on 10/7/1989.

9. The learned A.P.O. has submitted that the post of the cashier was in the hierarchy of the ministerial cadre and the petitioner was promoted to the post of the cashier and subsequently to the post of the accountant. He has been given the 3rd ACP considering the initial appointment at the level of Junior Asstt. and his placement to cashier has been considered as promotion in the hierarchy. He has informed that there are no records of the meeting of DPC to consider promotion of the petitioner to the post of the cashier.

10. Based on the arguments of the learned Counsel for the parties and the available records, it is clear that the cadre of the Accounts and the Ministerial are two different cadres as created by the Govt on 26/03/1987. The department has issued the instruction not to transfer the persons from ministerial to the accounts and vice versa. Even some of the persons from the ministerial cadre working in the accounts were reverted to the ministerial cadre after restructuring of the Accounts cadre in view of the above order.

11. The petitioner as well as the respondents could not produce the cadre structure showing the cashier as the position in the hierarchy of the Accounts Cadre. The recruitment rules for the post of Cashier were also not available. So based on the other documents like pay structure as per 4th CPC showing merger of the scale of the Asstt. Accountant and the cashier and the merger of the post of the cashier with Asstt. accountant. The order of the Govt. for strengthening of the accounts cadre in the Animal Husbandry Deptt. and creation of posts of cashier show that the post of the cashier belonged to the accounts cadre.

12. Similarly, the promotion of the few persons who were initially appointed on the post of cashier has been done in the hierarchy of the

Accounts cadre only. The petitioner was initially appointed on the post of the Junior Assistant and later on, he was appointed to the post of the cashier based on his qualification.

13. A person cannot be appointed from one cadre to another by way of promotion, it can be done through direct recruitment only. Based on the documents available, it is established that petitioner has been appointed to post of the cashier without following the procedure for the promotion. So the appointment of the petitioner to the post of the cashier w.e.f. 10/07/1989 should be considered as appointment on direct recruitment and the petitioner is liable to get the benefits of the 2nd and 3rd ACP in the accounts cadre. Hence, the impugned order dated 28.09.2018, by which, the representation of the petitioner for granting 2nd ACP in the grade pay Rs 4600/- and 3rd ACP in the grade of Rs 5400/- was rejected, is liable to be set aside and the claim petition is liable to be allowed.

ORDER

The claim petition is hereby allowed. The impugned order dated 28.09.2018 is hereby set aside. The respondents are directed to grant the benefit of 2nd ACP in the grade pay Rs 4600/- and 3rd ACP in the grade of Rs 5400/- to the petitioner considering his appointment in the Accounts Cadre w.e.f. 10.07.1989 and also to pay all consequential benefits accordingly. No order as to costs.

A.S.RAWAT
VICE CHARMAN (A)

RAJENDRA SINGH
VICE CHARMAN (J)

DATED: NOVEMBER 06, 2024
DEHRADUN
KNP