

**IMPORTANT DOUBTS ON ACPS AND CLARIFICATIONS BASED ON
THE OLD OFFICE MEMORANDUM OF DOPT**

(Complied by K.V.Ramesh, ACT/IRTSA)

1	Date from which the ACPS is available (OM No.35034/1/97-Estt(D) Ministry of Personnel, Public Grievances and Pensions August 9, 1999)	The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later.
2	From which point ACPS has to be calculated.	Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit.
3	Will Senior will get automatic upgradation when his junior is upgraded in ACP?	The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme
4	Whether Reservation or Roster orders applicable in ACPS?	The proposed ACP Scheme contemplates merely <u>placement on personal basis</u> in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;
5	How ACP will be awarded to employees who have completed 24 years of service or more than 12 years but less than 24 years. (This point explained in the context of Fifth Pay commission recommendations and its implementation)	In cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.
6	What will happen to the promotion received previously which were merged by Pay Commission. (OMNo.35034/1/97-Estt(D) (Vol.IV) Ministry of Personnel, Public Grievances and Pensions February 10, 2000)	Since the benefits of upgradation under ACP Scheme (ACPS) are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay-scales by ignoring the promotion. An employee who got promoted from lower pay-scale to higher pay-scale as a result of promotion before merger of pay-scales shall be entitled for upgradation under ACPS ignoring the said promotion as otherwise he would be placed in a disadvantageous position vis-à-vis the fresh entrant in the merged grade.
7	Whether Adhoc service which was subsequently regularized will be counted for ACP?	Only regular service which counts for the purpose of regular promotion in terms of relevant Recruitment/Service Rules shall count for the purpose of upgradation under ACPS.
8	Whether Ex-servicemen reemployed are eligible for ACPS.	Ex-servicemen, re-employed as civilian employee, shall be entitled for upgradation under the Scheme on completion of required years of service after direct recruitment in the civil employment.
9	Can ACPS applied	Since the Assured Career Progression Scheme can have only

	retrospectively.	prospective application, it is not permissible to allow notional benefit with retrospective effect. This would not lead to anomaly in as much as an employee having longer years of service may get his pay fixed at a higher/same stage vis-à-vis an employee having lesser length of service.
10	Does ACPS apply to an employee fails to qualify in departmental examination.	As per the scheme, all promotion norms have to be fulfilled for upgradation under the Scheme. As such, no upgradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion.
11	Whether an option for fixation of pay in the higher grade based on the date of increment may also be allowed during the ACPS upgradation?	Yes. The financial benefit allowed under ACPS shall be final and no pay fixation benefit shall accrue at the time of regular promotion. In other words, upgradation under ACPS shall be treated on par with regular promotion in so far as pay-fixation is concerned. Therefore, the option of pay-fixation in the next higher grade based on the date of increment may be allowed.
12	Grant of ACP benefits on account of disciplinary proceedings or refusal of promotion.	In regard to deferment of grant of ACP benefits on account of disciplinary proceedings or refusal of promotion, it is mentioned that the ACPS in the matter has to follow the same pattern as that obtains in the case of regular promotion. The basic idea behind making this provision is that there shall be uniformity of treatment both in the case of ACPS and regular promotions.
13	Does ACPS benefits are included for retirement benefits?	Yes. The retirement/ terminal benefits would be on the basis of upgraded pay-scale, if any, granted under ACPS.
14	Whether the benefit of past service will be extended to temporary status employees after their regularisation?	No, the benefit of past service shall not be extended to temporary status employees after their regularisation for the purpose of ACPS.
15	Whether service rendered in an autonomous body / statutory body/ State Government prior to appointment in Central Government as a direct recruit prior to appointment in the Central Government will be counted while computing regular service for the purpose of grant of financial upgradations under the ACP Scheme? (OMNo.35034/1/97-Estt(D) (Vol.IV) Ministry of Personnel, Public Grievances and Pensions July 18, 2001)	service rendered in an autonomous body/statutory body/State Government is not to be counted for the purpose. Correspondingly, promotions earned in these bodies prior to appointment in the Central Government are also to be ignored.
16	Whether Training period counts for ACPS?	If under the relevant Recruitment/Service Rules, the induction training counts towards eligibility service for regular promotion, the same will also be counted towards the residency period/regular service required for financial upgradations under ACP Scheme.
17	What will happen to perks and privileges attached to the post originally held by the employee?	Except being allowed to draw pay in a higher grade the employee continues to be regular incumbent of the post to which he has been selected on regular basis as per the Recruitment Rules. Therefore, if there are certain perks and benefits, which are applicable to an employee as a result of his holding a particular post, the same will continue to be available to him, notwithstanding the fact that he may be placed in a higher grade on personal basis under ACPS. On the same analogy, except the entitlements like higher advance, HBA etc. which are linked to pay scale rather than status of the higher post, no privileges related to status of the higher post will be applicable in the event of grant of financial upgradation in the grade of the higher post.