

NC JCM Staff Side has demanded Grant of ACP to Draftsmen Cadre of Central Government Departments

Shiva Gopal Mishra
Secretary

Ph.: 23382286
National Council (Staff Side)
Joint Consultative Machinery
for Central Government Employees
13-C, Ferozshah Road, New Delhi - 110001
E Mail: nc.jcm.np@gmail.com

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The Secretary,
Department of Personnel & Training,
North Block, New Delhi

The Secretary,
Department of Defence
Production & Supplies,
D.G.Q.A., D.H.Q, New Delhi

Sub:- Grant of ACP to Draftsmen.

Dear Sir,

I may draw your kind attention to the following judgments of Tribunal / High Court and the Supreme Court:

1. CAT Bombay Bench order dated 28.2.2005 in O.A. No.124/2004 Shri K.M. Khopkar & others Vs Uol.
2. Bombay High Court order dated 11.12.2006 in writ petition No. 5269/2005 Union of India & others Vs K.M.Khopkar
3. Supreme Court order dated 10.7.2007 in Petition for SLP (C) CC5027/2007 Union of India & others Vs K.M. Khopkar.

The Hon'ble CAT Bombay has ruled that the placement irregular scale on the basis of Ministry of Defence letter dated 15.9. 1995 granted to Draftsmen of other Departments in pursuance of CPWD Arbitration award cannot be treated as regular promotion and ACP benefit rightly granted to the applicants cannot be withdrawn.

The High Court Bombay has upheld the above ruling of the CAT Bombay.

The Supreme Court had dismissed the appeal observing that they do not find any merit to interfere in this case.

2. The question is whether all draftsmen of other departments would be granted the benefit of this judgment. They are similarly placed employees and there are several directions of the apex court that in the case of similarly placed employees, a decision given by Courts should be treated as judgment in rem and Government should

extend such benefits to all similarly placed employees so that there is no multiplication of litigation in a matter which has already been adjudicated.

3. I, therefore, request you kindly to consider and extend the benefit of above ruling which has already attained finality to all the draftsmen not only working in Department of Defence Production & Supplies but also in all other Central Government Departments.

4. Action Taken on this matter may kindly advice to us.

Thanking you,

Yours faithfully,
sd/-
(Shiva Gopal Mishra)
Secretary