(12)

Central Administrative Tribunal, Principal Bench

Original Application No.1769 of 1998

New Delhi, this the 19th day of September, 2000

Hon'ble Mr.Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri B.D. Sharma, Jr. Engineer (Electrical-III)
Electrical Construction Division No.II
CPWD, Sena Bhawan, New Delhi-11. - Applicant

(By Advocate - Shri B.S. Mainee)

Versus

1.Union of India, through

The Secretary
Min. of Urban Development,
Nirman Bhawan,
New Delhi.

2.The Director General of Works
C.P.W.D., Nirman Bhawan,
New Delhi-11

3.The Chief Engineer (Electrical)-I,
C.P.W.D. Vidyut Bhavan,
New Delhi

4.The Superintending Engineer (Electrical)
Delhi Central Electrical Circle No.VIII,
CPWD I.P. Bhavan, New Delhi.

5.The Executive Engineer (Electrical)
Electrical Construction Division No.II,
CPWD, Sena Bhawan,
New Delhi - Respondents

(By Advocate - Shri R.V.Sinha)

O R D E R(ORAL)

By Hon'ble Mr.Kuldip Singh, Member(J)

The applicant is aggrieved of the impugned order dated 7.7.98 vide which the respondents had turned down the representation of the applicant for granting him increment in the new pay-scale on the date of his normal date of increment in the old pay-scale.

2. Facts in brief are that the applicant was appointed as Junior Engineer in C.P.W.D. in the pay-scale

of Rs.425-700 which was subsequently revised to grade Rs.1400-2300 w.e.f. 1.1.1986. According to the applicant, his normal date of increment was the first day of July every year. It is further stated that the pay scale of the Junior Engineers was revised from Rs.425-700/Rs.1400-2300 and the applicant's pay was fixed at Rs.1600/- w.e.f. 1.1.1986.

3. The Government of India had decided that there will be two pay scales for the Junior Engineers in the CPWD viz. Rs.1400-2300 and Rs.1640-2900 and the Junior Engineers who have completed 5 years of service in the entry grade, will be placed in the scale of Rs.1640-2900 subject to rejection of unfit. According to this notification, the higher grade will not be treated as promotional and will be given without the benefit of FR 22. The applicant had also completed 5 years of service and, therefore, his pay was fixed at the minimum i.e. Rs.1640/- in the pay scale of Rs.1640-2900 w.e.f. 1.1.1986. The applicant claims that as per the law laid down by the Hon'ble Supreme Court as well as Central Administrative Tribunal, he was supposed to earn increment in the grade of Rs.1640-2900 on 1.7.1986, on his normal date of increment in the old pay scale but the respondents wrongfully released annual increment w.e.f. 1.1.1987 instead of 1.7.1986 in terms of their letter dated 11.6.1991.

4. Respondents have contested the O.A. They have taken the plea that when the applicant had been granted the pay scale of Rs.1640-2900, that was a promotional scale and

the applicant would earn increment only after completion of one year of service in the new pay scale, i.e., w.e.f. 1.1.1987.

5. We have heard the learned counsel for the parties and gone through the records. This controversy had earlier come up before this Tribunal in OA No. 2400/96 - CPWD Junior Engineers Association Vs. U.O.I. and Another - wherein this Tribunal after discussing the judgment of the Hon'ble Supreme Court in the case of C.B. Prasad Vs. U.O.I. (CA No. 6717/95), allowed that OA. After going through the pleadings on record, we are of the considered opinion that the facts of this case are similar to that of OA 2400/96 and, therefore, this OA also deserves to be allowed.

6. Accordingly, we allow this OA with a direction to the respondents that they will grant increment to the applicant in the pay scale of Rs.1640-2900 w.e.f. 1.7.1986, i.e., from his normal date of increment in the old pay scale. He shall also be entitled to the consequential benefits arising out from such fixation. These directions shall be implemented within a period of 3 months from the date of receipt of a copy of this order. No costs.

(S.A.T. Rizvi)
Member(A)

(Kuldip Singh)
Member(J)

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