

Central Administrative Tribunal, Principal Bench

Original Application No.198 of 1998

New Delhi, this the 7th day of September, 2000

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

Sunder Shyam
Junior Engineer (Civil)
C/o D Division, C.P.W.D.
D.11/135, West Kidwai Nagar,
New Delhi

- Applicant

(By Advocate - Dr.S.P.Sharma)

Versus

1. Union of India
(Through Secy. Min. of Urban Development)
Nirman Bhawan, New Delhi

2. The Director General of Works
CPWD, Nirman Bhawan
New Delhi

3. The Executive Engineer(Civil)
D. Division, CPWD, Kidwai Nagar,
New Delhi

- Respondents

(By Advocate - Shri K.C.D.Gangwani)

O R D E R (ORAL)

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

The case of the applicant is that prior to the recommendations of the 4th Pay Commission, the Junior Engineers in the CPWD were in the pay scale of Rs.425-700. On the recommendations of the IVth Pay Commission, the pay scales were revised in two categories, i.e., one in the scale of Rs.1400-2300 and the other in the scale of Rs.1640-2900 to those Engineers who had completed 5 years of service in the scale of Rs.1400-2300.

2. After the recommendations of the 4th Pay Commission had been accepted, the pay of the applicant was fixed at Rs.1600/- in the pay scale of

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Rs.1400-2300. Further increment in the pay scale of Rs.1640-2900 was given to him on 1.2.1986 which was his normal date of increment in the old pay scale.

3. Respondents have stated in their counter-affidavit that applicant was wrongly granted the first increment in the pay scale of Rs.1640-2900 as on 1.2.1986 and he was entitled for the same after completion of one year of service in the new pay scale, i.e., on 1.1.1987. Accordingly, they made an attempt to make the recoveries from applicant w.e.f. 1.2.1986.

4. The counsel for applicant has drawn our attention to an order passed by Hon'ble Supreme Court in Civil Appeal No. 6717 of 1995 filed by one Shri C.B. Prasad, who was a similarly situated person like the applicant in the present O.A., wherein it has been held that "on revision of pay scales, an employee would be entitled to the next increment on the normal date of increment in the lower scale and not on completion of 12 months of service in the revised scale". On these lines, counsel for applicant submitted that on revision of pay scales, grant of next increment on the normal date of increment in the lower scale, is the correct position and department's action to grant the increment after completion of 12 months in the higher grade is illegal.

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5. The counsel for applicant has relied upon a judgment of the Co-ordinate Bench in OA 2283/99 filed by a similarly situated person A.K.Jalasary decided on 5.5.2000. That OA was allowed with a direction to the respondents, to restore the original pay fixation done by them.

(A)

6. We are convinced that the case of the present applicant is fully covered by the judgments in the cases of C.B. Prasad (Supra.) and A.K. Jalasary (Supra). Therefore, the impugned order dated 18.12.1997, is quashed and set aside. The applicant will be entitled to the increment in the pay scale of Rs.1640-2900, as on 1.2.86 (his normal date of increment in the old pay scale). Consequential benefits flowing from such fixation shall also be granted to applicant. These directions should be implemented within a period of two months from the date of receipt of a copy of this order. No costs.

7. At this stage Shri K.C.D. Gangwani, counsel for respondents appeared and has been heard. He opposed the OA and stated that increment to the applicant in the higher pay scale of Rs.1640-2900 is admissible from 1.1.87 and not from 1.2.86, i.e. from the normal date of increment in the old pay scale. However, we are unable to accept his contention in view of the orders passed by Hon'ble Supreme Court in the case of C.B.Prasad (supra) and by the Tribunal in the case of A.K.Jalasary (supra).

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

Kuldeep Singh
(Kuldeep Singh)
Member(J)

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