

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 2442/1995

New Delhi, this 29th day of November, 1996

Hon'ble Shri S.P. Biswas, Member(A)

Shri Joginder Singh
IOW Grade II/Estate Division
Northern Railway, DRMs office,
New Delhi .. Applicant

(By Advocate Shri K.K. Patel)

versus

Union of India, through

1. Secretary
Railway Board
Rail Bhawan, New Delhi
2. General Manager
Northern Railway
Baroda House, New Delhi
3. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi .. Respondents

(By Advocate Shri P.S. Mehandru)

ORDER(oral)

In this application filed under section 19 of the Administrative Tribunals Act, 1985 the applicant alleges that the benefit of incentives for acquiring higher scientific/accounts/technical qualifications in terms of Railway Board's instructions dated 14.2.90 have not been extended to him. After joining the Railways on 14.2.90 as Inspector of Works (IOW in short), the applicant was promoted as IOW Grade II. He is presently working with Respondent No.3. He claims that he has passed B.E. (AMIE) Sec.A&B which entitles him to six advance increment increments with effect from 14.2.90 in terms of the aforementioned circular. He further claims that he has made several representations to the respondents-Railways but the said appeal did not yield positive results.

2. The respondents have opposed the claim mainly on the ground that instructions dated 14.2.90 are not applicable to the applicant as he was not a serving railway official at the time of qualifying AMIR. (14)

3. I have heard the learned counsel for the parties and perused the records carefully.

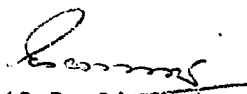
4. The case of the applicant is that since he has passed B.E.(AMIE) SCC A&B even before joining the Railways he is entitled to the benefits of incentive scheme enunciated in Railway Board's circular issued in 1966, 86, 1988, 1989, 14,2,90 and finally on 4.9.90. He has cited a few names of his colleagues who have been given the benefits having joined service in 1976 though they have passed the qualifying exam in 1974. The case of one Shri B.K. Prasad of NE Railway in particular has been cited in support of applicant's claim. The case of the respondents is that the impugned letter dated 14.2.90 is only a clarification for the earlier instructions on the subject and it was further amended by letter dated 4.9.90 making it clear that the cases occurring between 30.6.88 and 29.5.89 would continue to be governed by earlier incentive scheme whereas the applicant was not serving railway official at that time.

5. A careful scrutiny of the instructions dated 14.2.90 shows that the benefits are admissible to those technical non-gazetted staff who acquire B.C./B.Tech directly in terms of extant rules if they have been acquired fully at the cost of the employee concerned and the railways have not borne any part of incurred

expenses therefor. In other words, these circulars are silent as to whether such incentives can be allowed for the additional qualifications acquired before coming into railway service. Unfortunately, none of the learned counsel were able to give a convincing reply on this point. Admittedly, none of the representations made by the applicant have not been replied to so far.

6. In the above circumstances, I direct General Manager-Respondent No.2 to consider the case of the applicant in accordance with the rules and dispose of the same with a reasoned and speaking order. This shall be done within a period of three months from the date of receipt of this order. While considering the claim herein, the respondents shall do well to keep in mind the case of Shri B.K. Prasad, FOB, Diesel Shed, Gonda, NE Railway who has been provided with six incentive increments, though obtained the required additional qualification even before joining the Railways in 1976. If the applicant is still aggrieved by the outcome of the reply, it is open to him to agitate the matter through appropriate forum, if so advised, as per law. Let a copy of this order and a set of this application be sent to respondent-General Manager by the registry. The OA is disposed of as aforesaid.

7. There shall be no order as to costs.


(S.P. Biswas)
Member(A)

/gtv/