

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

~~O.A.NO. 1958/94~~
~~O.A.NO. 1960/94~~
O.A.NO. 1964/94
O.A.NO. 1967/94

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Hon'ble Shri R.K.Ahooja, Member (A)

New Delhi, this day of September, 1996

O.A.NO. 1958/94:

Shri T.S.Patil
s/o Shri Shamrao Bandoji Patil
aged 43 years
working as Deputy Director
Central Water Commission
Sewa Bhavan
R.K.Puram
NEW DELHI - 110 066.
At present to Centtraining Unit
CWPRS, Pune-22.
Resident of Qrt. No.978, Sector-IV
R.K.Puram
NEW DELHI.

... Applicant

(By Shri K.L.Bhandula, Advocate)

O.A.NO. 1960/94:

Shri Vijay Kumar Chawla
s/o Shri Tulsi Das Chawla
aged 40 working as Dy. Director, BCD(SS&NE)
Central Water Commission
Wing No.1, IInd Floor
West Block-II
R.K.Puram
NEW DELHI - 110 066

R/o F-118, East of Kailash
New Delhi - 110 065. ... Applicant
(By Shri K.L.Bhandula, Advocate)

O.A.NO. 1964/94:

Shri T.M.Venugopalan
s/o Shri C.K.P.Nambiar
aged 45 years
working as Dy. Director
Irrigation Planning Directorate
Central Water Commission
Room No.203, Sewa Bhawan
R.K.Puram
NEW DELHI - 110 066.

R/o C-311, Pragati Vihar Hostel
Lodhi Road, NEW DELHI - 110 003. .. Applicant
(By Shri K.L.Bhandula, Advocate)

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O.A.NO.1967/94:

Shri B.G.Kaushik
s/o Shri D.P.Kaushik
aged 39
working as Deputy Director
Monitoring (West) Dte.,
Central Water Commission
Room No.506, Sewa Bhawan
R.K.Puram
NEW DELHI - 110 066.

R/o House No.63, Pocket F-26
Sector No.7, Rohini
DELHI.

... Applicant

(By Shri K.L.Bhandula, Advocate)

Vs.

1. Union of India through
the Secretary to the Govt. of India
Ministry of Water Resources
Shrama Shakti Bhawan
NEW DELHI.- 110 001.

2. The Chairman
Central Water Commission
Sewa Bhawan
R.K.Puram
NEW DELHI - 110 066.

... Respondents in all the
four OAs.

(By Shri K.C.Sharma, Advocate)

ORDER

Hon'ble Shri R.K.Ahooja, Member(A)

Since the subject matter of all the four Original Applications (No.1958, 1960, 1964 and 1967 of 1994) is the same, they are disposed of by this common order.

O.A.NO.1958/94:

2. The applicant Shri T.S.Patil joined Central Water Commission (CWC) on 12.12.1977 as Assistant Director. He was given adhoc promotion as Deputy Director in the pre-revised scale of Rs.1100 (6th year or under)-50-1600 w.e.f. 17.2.1983 and his pay fixed at Rs.1100/-. His promotion was regularised w.e.f. 22.1.1985 when his pay

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was fixed at Rs.1150/- from that date. This was however, less by Rs.50/- per month what he was drawing at that time after being given increments on his adhoc promotion. The applicant represented to the respondents that in similar other cases the benefit of adhoc promotion for earning increments had been allowed, on the direction of a Division Bench of this Tribunal in Naresh Kumar & Others Vs. Union of India & Another (O.A.NO.2014/90), but the respondents rejected his representation on the ground that the relief secured by an aggrieved officer from Central Administrative Tribunal is applicable to that officer only and it cannot, ipso-facto, be extended to other officers.

3. In reply, the respondents stated that the pay was rightly fixed at Rs.1100/- on regular promotion in terms of Ministry of Finance, Department of Expenditure (Implementation Cell) O.M. No.F-12(21)/74-1C dated 14.11.1975. Further that the benefit of the decision in OA No.2014/90 cannot automatically ^{be} extended to him as the applicant was not a party in that OA.

4. I have heard the learned counsel on both sides. Shri K.L.Bhandula, learned counsel for the applicant argued that the applicant was fully entitled to the benefit of his adhoc service in the matter of earning increments since the same had been allowed by this Tribunal not only in Naresh Kumar & Others Vs. Union of India & Another (O.A.No.2014/90) but also in a number of other cases, namely, OA No.3319/92, 3321/92 etc., Shri H.K.Verma and Others Vs. Union of India & Others. Further he submitted that the Government should not force the employees repeatedly to seek redressal in a Court of Law leading to unnecessary litigation. What is more, in this case, the applicant has been put in a position where, because of the relief already granted to other(s) an
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anomalous situation has been created inasmuch as his pay is now less than that of his juniors.

5. Shri K.C.Sharma, learned counsel arguing for the respondents on the other hand draw attention to the concordance table annexed to pay rules, according to which, the pay of the officer in the senior scale i.e. pay scale of the Deputy Director, cannot exceed Rs.1100/- till the completion of 6th year of service.

6. I have carefully considered the matter. The orders of the Tribunal in O.A.NO.2014/90 and the earlier Judgments (O.A.No.3319/92, 3321/92) clearly laid down the rule that there will be no difference in ad-hoc service and regular service in so far as the question of earning increments is concerned. It would follow therefrom that benefit of adhoc service for earning increments would accrue only if the same accrues on regular service in a particular grade and not otherwise. Thus, the first increment would be earned in the senior scale only on completion of 6th year of service. It was on this basis that in O.A. No.809/89(Shri A.K.Jain Vs. Union of India & Others) the benefit of adhoc service was allowed only on completion of 6th year of service. The applicant joined service on 12.12.1977 and he thus completed his 6 years of service on 11.12.1983. He was promoted on ad-hoc basis on 17.12.1983 and his first increment was rightly granted on 17.2.1984.

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7. For the reason stated above, the application is allowed. The impugned Office Memorandum dated 05.09.1994 is quashed and set-aside. Respondents are directed to fix the pay of the applicant taking into account his adhoc service with first increment in senior scale ^{after} on completion of 6th year of service. The applicant would be entitled to all the arrears of pay, etc. on account of refixation which will be paid him within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

O.A.NO.1960/92:

8. The applicant, Shri V.K.Chawla joined as Assistant Director on 16.11.1979 and was promoted on adhoc basis to the post of Deputy Director with effect from 31.12.1983. He was given one increment of pay with effect from 1.12.1985 but by the impugned order his pay was wrongly revised to Rs.1100/-.

The impugned Office Memorandum dated 29.12.1993 is accordingly quashed and set-aside and the respondents are directed to refix the pay of Shri Chawla ^{after} on completion of six years of service taking into account the period of adhoc promotion and to pay him all arrears of pay, etc. within a period of three months from the date of receipt of a copy of this order. No costs.

O.A.NO.1964/94:

9. The applicant, Shri T.M.Venugopalan joined as Assistant Director on 3.1.1977 and was promoted on

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adhoc basis to the post of Deputy Director with effect from 25.9.1981 when his pay was fixed at Rs.1100/-. He earned increments with effect from 1.9.1983. His promotion was regularised on 22.1.1985 and his pay was fixed at Rs.1200/- with effect from 22.1.1985 whereas his pay should have been Rs.1200/- with effect from 1.9.1984. In the light of the decision in O.A.NO.1958/94, the impugned Office Memorandum dated 5.9.1994 (Annexure A1) is quashed and ~~set aside~~^{on} and the respondents are directed to refix the pay of Shri Venugopalan taking into account the period of adhoc promotion and to pay him all arrears etc. within a period of three months, from the date of receipt of a copy of this order. No costs.

O.A.NO.1967/94:

10. The applicant, Shri B.G.Kaushik joined as Assistant Director on 15.12.1979 and was promoted on adhoc basis to the post of Deputy Director with effect from 31.12.1983 when his pay was fixed at Rs.1100/-. In terms of the OA No.1958/94, the impugned Office Memorandum dated 29.12.1993 is quashed and ~~set aside~~^{on} and the respondents are directed to refix the pay of Shri Kaushik taking into account the period of adhoc promotion and to pay him all arrears of pay etc. within a period of three months from the date of receipt of a copy of this order. No costs.

Attested

Bd
KSL
CO/C-IV
26/9/96

R. K. AHUJA
(R. K. AHUJA)
MEMBER(A)

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