

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No. 03/2000

New Delhi this the 29th day of September, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri V.B. Singh,
Jr. Engineer,
K-Division,
Central Public Works Deptt.
I.P. Bhawan, New Delhi

...Applicant

(By Advocate Sh. Sohan Lal)

Versus

1. Union of India,
through its Secretary,
Ministry of Urban Affairs &
Employment, Nirman Bhawan,
New Delhi-110011
2. The Director General of Works,
Central Public Works Deptt.,
Nirman Bhawan,
New Delhi-110011
3. The Executive Engineer,
K-Division, Central Public Works
Deptt., I.P. Bhawan, 1st Floor,
New Delhi

...Respondents

(By Advocate Sh. D.S. Jagotra)

ORDER

(BY HON'BLE MR. S.A.T. RIZVI, MEMBER (A))

The applicant in this OA, who is a Junior Engineer in the CPWD, had been working in the pay scale of Rs. 1400-2300 when the Govt. of India revised the said scale to Rs. 1640-2900 w.e.f. 1.1.1986. The annual increment of the applicant in his old scale was also due on 1.1.1986. Following the revision in the pay scale, his pay was fixed at Rs. 1640/- as on 1.1.1986 in the scale of Rs. 1640-2900. However, the annual increment due on 1.1.1986 was not granted. Aggrieved by this, the applicant has filed this O.A. The respondents have denied the claim of

the applicant for the grant of annual increment w.e.f. 1.1.1986.

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2. We have heard the learned counsel for the parties and have perused the material on record.

3. The applicant's case is that the Ministry of Finance issued an O.M. dated 23.3.1995 for giving option in the matter of fixation of pay in the scale of Rs. 1640-2900. The said O.M. provided as follows:-

"It has now been decided that a Government servant whose increment fell on 1.1.1986 may be allowed an option to get his pay refixed from 1.1.1986 in the following manner.

The pay in the revised scale as on 1.1.1986 may be fixed without taking into account the increment due on 1.1.1986. After the pay in the revised scale is so fixed, the increment may be allowed on 1.1.1986 in the revised scale".

4. The employees were given a period of 6 months for exercising the desired option. Accordingly the applicant has exercised his option by a letter dated 22.9.1995 addressed to the EE. The learned counsel for the applicant has relied on the judgement of the Hon'ble Supreme Court dated 18.3.1999 in Civil Appeal No. 6717/1995 in support of his contention that the benefit of the annual increment is to be given after fixation in the new scale. He has also contended that this particular judgement of the Hon'ble Supreme Court in C.B. Prashad V/s. UOI & Ors. has already been implemented by the respondents in the case of one

Gurvinder Singh, Junior Engineer. The applicant has also cited various other judgements much to the same effect. He has made several representations in the matter and a further representation was made after the aforesaid judgement of the Hon'ble Supreme Court dated 18.3.1999. According to him his pay after the grant of annual increment as on 1.1.1986 should be fixed at Rs. 1700/- P.M. in the scale of Rs. 1640-2900. He has asked for payment of interest on the arrears @ 18% P.A. from the due date of payment up to the date of actual payment with all the consequential benefits.

5. The respondents' contention is that that the option referred to by the applicant and mentioned in the Ministry of Finance's O.M. dated 23.3.1995 was intended for those who were granted the revised pay scale of Rs. 1640-2900 as per the recommendations of the 4th Pay Commission w.e.f. 1.1.1986, whereas in the present case, the pay scale granted was Rs. 1400-2300 and later, on completion of 5 years service in the entry grade of Rs. 1400-2300 as on 1.1.1986, the employee was to be placed in the scale of Rs. 1640-2900 and the pay was to be fixed in accordance with a certain O.M. dated 27.3.1991 further clarified on 20.11.1991.

6. After a careful consideration of the matter and having regard to the facts and circumstances of this case, we are inclined to ^{accept} ~~support~~ the contention of the applicant that his case should be dealt with in accordance with the Supreme Court's Judgement in

C.B. Prashad's case (Supra). We have also kept in mind the fact that the said judgement has already been implemented in one case.

7. In the result, the O.A. is disposed of with a direction to the respondents to fix the pay of the applicant as above and also grant him consequential benefits. We do not consider it necessary to pass any order as regards the claim of interest. There shall be no order as to costs.

S.A.T. Rizvi
(S.A.T. RIZVI)
MEMBER (A)

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

/SKA/