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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.892 of 2000

New Delhi, this the 26th day of May, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Harbans Singh
U-53 Gali No.4,
Solanki Road, Subhash Park,
New Delhi.

-APPLICANT

(By Advocate: Shri S.P. Mehta)

Versus

1. Union of India through
Director General,
ICAR,
Krishi Bhawan,
New Delhi.

2. Secretary Administration,
ICAR,
Krishi Bhawan,
New Delhi.

... Respondents

(By Advocate: Mrs. Nilima Thakur)

O R D E R

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

This OA has been filed by the applicant under Section 19. of the Administrative Tribunal's Act, 1985 seeking the following reliefs:-

(i) To allow the applicant to cross the EB from 1.7.91.

(ii) To revise the rate of three increments earned by the applicant for the years of 1991, 1992 and 1993 from Rs.40/- to Rs.50/- and the payment of arrears immediately.

(iii) To revised and make payment of settlement/pensionary benefits on the pay at the rate of Rs.1950/- to applicant immediately.

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2. The case of the applicant is that he was appointed as a Driver T-3 under the respondents in the pay scale of Rs.1400-40-1800-EB-50-2300 and he was awarded three advance increments of Rs.40/- each as a reward for his good work.

3. It is further stated that on 1.7.90 the applicant was drawing his basic pay at Rs.1680/- plus Rs.120/- (3 advance increments) equal to Rs.1800 and then on earning the next annual increment on 1.7.1991 the applicant should have been paid at the rate of Rs.1850/- plus Rs.120/- but the applicant was paid at the rate of Rs.40/-. This irregularity was brought to the notice of the respondents through various representations and personal contacts. Instead of rectifying the same, respondents have rejected the request of the applicant without assigning any reason vide their letter dated 25.5.99. The applicant has challenged the rejection of his representation. According to the applicant, the advance increments earned by the staff are considered as merged with their basic pay for all purposes so the applicant says that he is entitled to earn increment of Rs.50/- after crossing of the EB. Though the respondents conducted EB test of the colleagues of the applicant but over-looked the case of the applicant, as a result the juniors of the applicant were allowed to cross the EB so it is alleged that the applicant has been discriminated and as such the same is liable to be quashed and the applicant should be allowed to cross the EB w.e.f. 1.7.91.

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4. The respondents are contesting the OA. The respondents have taken a preliminary objection that the same is barred by time inasmuch as the applicant is challenging the action of the respondents in not granting him increments in the years 1991, 1992 and 1993.

5. It is further stated that at the time when the applicant was granted advance increments he was not working with the respondents in the National Bureau of Soil Survey and Land Use Planning (one of the Institutes under the ICAR). The advance increments were granted w.e.f. 1.1.1988 and 1.1.1989 respectively and the applicant was transferred to the Council, Headquarters, New Delhi.

6. It is further pleaded that as on 1.7.90 the applicant was drawing basic pay of Rs.1680/- plus Rs.120/- per month as three advance increments.. The enhanced rate of annual increment of Rs.50/- was not admissible in the case of applicant at the stage of Rs.1680/- w.e.f. 1.7.1991 and it is stated that for the purpose of grant of annual increment, the basic pay and advance increments cannot be merged together and as such the demand of the applicant for grant of Rs.1850/- per month w.e.f. 1.7.91 is not justified under the relevant rules and the illustrations given by the applicant that some of his colleagues had been granted the benefit of crossing the ES and had also been granted enhanced rate of increment whereas he has been deprived of the same. It is mentioned that they had been given the enhanced rate of annual increments only when they had reached the basic pay of Rs.1800 and not before that so this contention of the applicant has no merits.

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7. I have heard the learned counsel for the parties and gone through the records of the case.

8. The basic plea of the applicant is that the advance increment granted to him should be merged with the regular scale of pay of Rs. 1400-40-1800-EB-50-2300 but it is a fact which is also admitted by the applicant that the advance increments of Rs.40/- each was granted to him as a reward for his good working and that reward cannot be treated as an enhancement of the stage of pay but it is only to be treated as an award. Thus the applicant would continue to draw the award along with his pay scale and whenever he will reach in his regular pay scale at the stage of Rs.1800/- then the department shall consider his case in accordance with the rules but at this stage when he was at Rs.1680/- he cannot be granted an advance increment to fix his pay at Rs.1800/- because at this stage there is no stage for grant of advance increment as the advance increments already granted as a reward cannot be merged with the scale.

9. In view of the above, nothing survives in the OA which is accordingly dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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