

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.128/92

DATE OF DECISION: 13.01.1993.

Sh.K.L.Chawla

.. Applicant.

versus

Union of India &

others

.. Respondents.

Sh.Umesh Mishra

.. Counsel for the applicant.

Sh.Yash Pal

.. Departmental representative
for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice
Chairman(J).

The Hon'ble Sh.I.K.Rasgotra, Member(A).

J U D G E M E N T (ORAL)

(Delivered by Hon'ble Sh.I.K.Rasgotra, Member(A))

The petitioner was working as Assistant Signal and Telecommunication Engineer in the pay scale of 2000-100-3500. On 4.5.90 the Railway Board issued instructions with a view to provide incentive to Group 'B' Railway Officers for acquiring higher qualification. The relevant part of the said order is extracted below:

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- A) Group 'B' officers of Accounts Department should be granted two advance increments on passing Part I or Intermediate Examination of ICWA Or AICA and six increments (including two granted for part I/Intermediate) on passing the final examination of these Instts. In case they acquire the qualification after joining service.
- B) Group 'B' Officers of Technical Department should be granted 6 advance increments on passing part II of the AMIE examination in case they acquire the qualification after joining service. "

2. In para 3 of the said letter the Railway Board prescribed the conditions under which this incentive would be available to the Group 'B' officers. The grievance of the petitioner is that vide order dated 16.8.91 the petitioner was sanctioned four advance increments for passing Section B(Part II) examination of A.M.I.E. in terms of Railway Board's order dated 4.5.90. This benefit, however, has been withdrawn

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2

vide order dated 11.10.91 on the ground that the said benefit of four advance increments was not permissible to the petitioner as per the conditions of eligibility stipulated in paragraph 3 of the said letter of Railway Board dated 4.5.90.

2. Sh.Yash Pal, the departmental representative stated that the respondents had granted one increment to the petitioner instead of two increments as admissible under the incentive scheme in the lower grade of Rs.2000 - 3500 as the petitioner was drawing Rs.3400 in the said grade. Under the conditions stipulated by the Railway Board pay and advance increment cannot exceed the maximum of the scale of pay. The benefit of for advance increments claimed by the petitioner in terms of the said instructions of Railway Board of 4.5.90 was not admissible to the petitioner in terms of para 3(e) which is extracted hereunder:

"If on the other hand an officer is promoted to a higher grade after being granted advance increments in a lower grade, the pay drawn by him at the time of promotion should be taken as pay for fixation of pay under the rules"

3. As the petitioner was promoted to the higher grade post in senior scale on 6.7.90, he could not be given additional four advance increments. Accordingly the benefit which was granted to the petitioner vide order dated 16.8.91 was not admissible to him and this mistake was remedied by the issuance of order dated 11.10.91. The learned counsel for the petitioner, however, submitted that four increments were granted to the petitioner retrospectively w.e.f. 4.5.90 in terms of Railway Board's order dated 4.5.90 vide order dated 16.8.91. This order was however, amended vide letter dated 11.10.91.

4. We have considered the contentions of the learned counsel for the petitioner. The primary issue in this case is that the source of the benefit conferred on the petitioner vide order dated 16.8.91 is Railway Board's order dated 4.5.90. These benefits are to be extended within the framework and subject to the conditions laid down in the said order. Clearly the said order does not contemplate the conferment of the benefit claimed by the petitioner from 6.7.90 as he had been promoted on that date to the senior scale. The fact that he was granted these four increments w.e.f. 4.5.90 in terms of Railway Boards' letter dated 4.5.90 oblivious of the conditions prescribed

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13

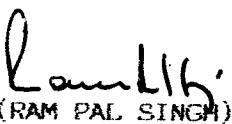
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in para 3 (e) of Railway Board's letter of 4.5.90, adverted to earlier cannot justify the grant of advance increment. All that has happened is that respondents have rectified the mistake committed by them well in time as the benefi was withdrawn before any payment was made. Accordingly, there is also no case of hardship.

5. In the facts and circumstances of the case, there is no merit in the O.A. and the same is dismissed. No costs.


(I.K. RASGOTRA)

MEMBER (A)


(RAM PAL SINGH)

VICE CHAIRMAN (I)