

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 18th day of August, 2004.

QUORUM : HON. MR. D. R. TIWARI, A.M.

HON. M

O.A. No. 1109 of 2001

A.P. Srivastava, s/o Late Jadunath Prasad (Retired Asstt. Personnel Officer, N. Railway, Allahabad), resident of 165/7, Azad Nagar, South Malaka, Allahabad.

..... Applicant.

Counsel for applicant : Sri S.K. Om.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Allahabad Division, Allahabad.

..... Respondents.

Counsel for respondents : Sri A.K. Gaur.

O R D E R

BY HON. MR. D. R. TIWARI, A.M.

By this O.A. filed under section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the letter dated 2.4.2001 (Annexure A-1) by which his representation has been rejected. He has further sought for issuance of direction to the respondents to sanction the two advance increments by way of incentive for acquiring the degree of P.G. Diploma course in Personal Management coupled with consequential pensionary benefits. He has also prayed for payment of enhanced rate of pay w.e.f. Aug., 1993 to July 94 including two advance increments and interest @ 18% from the delayed payment of retiral benefits including commutatio value.

2. Filtering out the unnecessary details, relevant factual matrix for adjudicating the controversy is that the

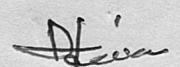
*D. R. Tiwari*

applicant, at the relevant time, was posted as Assistant Personnel Officer in the Allahabad Division of Northern Railway and retired on superannuation on 31.7.1994. With the permission of the Competent Authority he passed the LLB degree with optional papers of Labour Laws from Allahabad University in the year 1975. He also passed the P.G. Diploma in Personal Management from Dr. B.C. Roy College of Education Calcutta in February, 1994.

3. The applicant has stated that as per the Railway Board circular letter No.E/TRG-89(28)/29 dated 10.4.90 (P.S. No.10152) and the letter No.E/TRG/28/29 dated 17.8.1990 (P.S.No.10220), a scheme to grant incentive to group 'B' officers was launched for acquiring higher qualification during the service. Para 3D of P.S. No.10152 stipulates for incentives for group 'B' officers. Sub para D of this para stipulates that the benefit of incentive will be admissible from the date following the last date of prescribed examination and not from the date of publication of result. He has further stated that letter dated 17.8.90 (P.S.10220) provides that group 'B' officers of the Personnel Department should be granted two advance increments for acquiring P.G. Diploma in Personal Management or Industrial Relations. Since the applicant was not granted the advance increment, being aggrieved he filed O.A. No.1392/97 in the Tribunal which was decided by order dated 2nd day of August, 2000 and the operative portion of the order is as under :-

"We direct accordingly to the respondents to decide the claim of the applicant for grant of two advance incentive increments within four weeks from the date of communication of this order by the applicant. The O.A. is decided accordingly. No order as to costs."

4. The respondents have, while deciding the representation of the applicant did not agree to grant him incentive increments relying on the circular of the Railway Board dated 14.5.1966 circulated under P.S. No.3552. They have



further stated that according to the U.G.C. and AICTE, Dr. B.C. Roy College of Education, Calcutta is not approved by the UGC or by AICTE. Moreover, the degree obtained by the applicant is not equivalent to the qualification as stipulated in Railway Board's letter dated 14.5.1966.

5. I have heard counsel for the applicant Sri S. K. Om and learned counsel for respondents Sri A. K. Gaur at length and perused the pleadings.

6. During the course of the argument counsel for the applicant has forcefully argued that the impugned order is illegal and arbitrary and contrary to the provisions contained in various circulars of the Railway Board regarding the grant of two advance increments for acquiring P.G. Diploma in Personal Management. He has contended that the reliance on the Railway Board's letter dated 14.5.1966 by the respondents is misplaced as that circular stipulates provision for grant of incentive advance increment for Class III Railway employees/Apprentices for acquiring higher or additional scientific/technical/accounts qualification. He submits that this circular is not applicable to the applicant as he is a group 'B' gazetted officer. He has forcefully argued that in his case, the Railway Board circulars circulated under P.S. No.10220 and another circular issued under P.S. No.10152 is applicable to group 'B' officers gazetted. Para 1B of the circular dated 17.8.90 provides for grant of advance increments in case of group 'B' officers of Personal department (Annexure A-6).

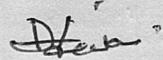
7. On the question of the acquiring of the P.G. Diploma in Personal Management from Dr. B.C. Roy College of Education, Calcutta, the applicant's counsel has stated that what was important was the passing of the recognised examination. He has further submitted and stated that none of the three circulars (P.S. Nos.10152, 10220 and 3552) nowhere provides that the institute should be recognised as per records of the UGC or AICTE. He has also argued

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that the Railway Board letter No.E(NG)/1-86/PM4/9 dated 18.11.92 (Annexure-1 to the SR) has provided that the degree of P.G. Diploma in Personal Management of recognised institution will be equivalent to LLB with Labour Laws. In view of these arguments he submits that the O.A. may be allowed and the respondents be directed to grant him the relief prayed for by the applicant in this connection.

8. Sri A.K. Gaur, counsel for respondents, on the other hand, has rebutted the contention of the applicant's counsel and has submitted that the P.G. Diploma in Personal Management obtained by the applicant from Dr. B.C. Roy College of Education is not an institution which has the recognition of either the UGC or the AICTE. In view of this, submitted the counsel for respondents that the applicant was not entitled for grant of advance increment for acquiring higher qualification during the service.

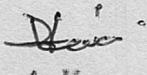
9. I have given very thoughtful considerations to the arguments from both the sides and I am of the considered view that there is some force in what counsel for applicant has stated. The circular issued under P.S.No.10152 (SR-1) vide its para 3(e) clearly provides that the benefit of incentives should also be admissible to such group 'B' officers, who have qualified the recognised examination (prior to issue of these instructions.). From this it appears that what is necessary is recognised examination and not the recognition of the institution by the UGC or AICTE. I may also mention that there are many institutions which do not require the recognition either from the UGC or the AICTE. I do not think it necessary to elaborate on this point. The letter head of Dr. B.C. Roy College of Education itself mentions Govt. Registered and it is located at Calcutta. It may safely be concluded that it is a recognised institution by the Govt. of West Bengal. On this ground the applicant succeeds. It may be viewed from other angle also that as per the provisions of the Railway



Board circular cited supra, the LLB degree with Labour Laws has been treated equivalent to the P.G. Diploma in Personal Management. This cannot be ignored as it has been recognised by the circular of the Railway Board and the counsel for applicant is bound to get the benefit of the circular dated 18.11.92 and he succeeds on this score also.

10. In view of the facts and circumstances, mentioned above and the discussions made, the O.A. is allowed and the impugned order dated 2.4.2001 is quashed and set aside. The applicant is entitled to two advance increments along with all consequential benefits. The liberty is given to the respondents to check up with the Govt. of West Bengal with regard to status of Dr. B.C. Roy College of Education regarding its recognition. In case it is found that it has the recognition by the Govt. of West Bengal, the applicant may be granted two advance increments with consequential benefits within a period of two months from the date of receipt of a copy of this order.

No order as to costs.

  
A.M.

Asthana/