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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.1206 of 1988

Jagat Narain

....

Applicant

Vs.

Union of India and another

Respondents.

Hon. D.K.Agrawal, JM

Hon. K.Obayya, AM

(By Hon. D.K.Agrawal, JM)

This Application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed by the abovenamed Applicant, namely, Sri Jagat Narain who retired as Chief Conservator of Forests (Planning), U.P. claiming one special increment w.e.f. 1.1.1986 on the ground that his wife had undergone Abdominal Ligation on 15.12.1970 and, therefore, in pursuance of Ministry of Finance, Govt. of India O.M. No. 7(39)/79 E-III dated 4.12.1979 and Ministry of Finance, Govt. of India O.M. No. 7(51)E-III/85 dated 16th Dec.1985, he was entitled to a special increment in the form of personal pay not to be absorbed in future increases in pay.

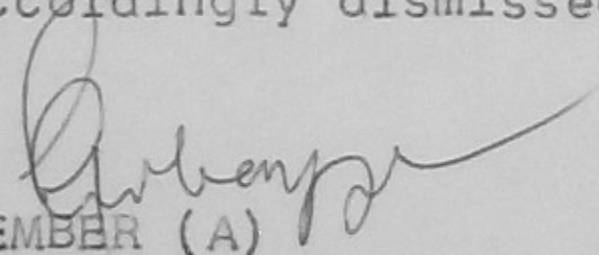
2. The scheme in the form of incentive was introduced by Govt. of India vide O.M. dated 4.12.1979 which was made applicable to All India Service employees also at a later date. It was a form of concession granted to employees who or whose spouse undergo the sterilisation operation. However, it was clearly laid down in para 5 of O.M. dated 4.12.1979 that the concession will be admissible only to the employees who undergo sterilisation operation on or after the date of issue of these orders. Subsequently, vide O.M. dated 16th Dec.1985, it was decided that Central Government employees who or whose spouses underwent steri-

D.K. Agrawal

lisation operation after one surviving child on or after 4.12.1979 but before 6.12.1985 may also be granted special increment provided all other conditions contained in Ministry of Finance O.M. dated 4.12.1979 are satisfied. The benefit or the concession was not granted in respect of those Govt. servants who or whose spouses had undergone sterilisation operation before 4.12.1979. The Applicant in para 6(VI) of his Application has referred to a Govt. order dated 12.1.1988 on the basis of which he claims special increment w.e.f. 1.1.1986. However, the said Govt. order has neither been filed by the Applicant nor we have been able to lay hand anywhere. On the other hand, it remains a fact that the Govt. of U.P. vide its letter No.966/14-1-88-~~XXXX~~ 30141/8 dated 12.2.1988 has clearly mentioned that Govt. of India vide Office Memo No.71391-E-III/79 dated 19th July 1980 has made it clear that O.M. dated X 4.12.1979 takes effect from the date of issue i.e. 4.12.1979 only. In view of this, we are constrained to hold that the Applicant was rightly refused ~~XX~~ a special increment on account of non-applicability of the said O.M. dated 4.12.1979 in his case.

3. Consequently, this Application is liable to be dismissed.

4. In the result, the Application fails and is accordingly dismissed without any order as to costs.


MEMBER (A)


MEMBER(J)

Dated: 1.2.1990
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