

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 293/1998
T.A. No.

199-

DATE OF DECISION : 05.04.2000.

N.S. Deora

Petitioner

Mr. Kuldeep Mathur,

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent(s)

Mr. Anil Mehta,

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. A.K. Misra, Judicial Member

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? NO
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? NO
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO

(Gopal Singh)
Adm. Member


(A.K. Misra)
Judl. Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J o d h p u r

..... Date of order : 5.04.2000.

O.A.NO.293/98

N.S.Deora S/o Shri Jai Singh Deora, aged about 49 years, R/o T-74,
Railway Traffic Colony, Station Road, Jodhpur, Official Address :
Senior Travelling Inspector of Accounts, Northern Railway, Jodhpur.

.....Applicant.

versus

1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Railway Board, Through its Chairman, Rail Bhawan, New Delhi.
3. The Financial Advisor and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.
4. The Accounts Officer (Traffic Accounts), Northern Railway, Jodhpur.

.....Respondents.

.....

CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

.....

Mr.Kuldeep Mathur, Counsel for the applicant.

Mr.Anil Mehta, Counsel for the respondents.

.....

Per Hon'ble Mr.Gopal Singh, Administrative Member :

Applicant, N.S.Deora, in this application under Section 19 of the Administrative Tribunals Act,,1985, has prayed for setting aside the impugned order dated 28.7.98 at Annex.A/1 and for a direction to the respondents to grant four advance increments in the pay scale Rs. 330-560 consequent upon his passing the Appendix II-A Examination alongwith arrears with interest at the rate of 18% p.a.

2. Applicant's case is that he was granted four advance increments on his passing the Part-II Examination in the scale of

Gopal Singh

Rs.130-300 raising his pay to Rs. 150/- in terms of respondents letter dated 17.5.69 at Annex.A/3. The contention of the applicant that he should further be granted advance increments in the scale of Rs. 330-560 introduced after the recommendations of the Third Pay Commission in terms of respondents letter dated 7.2.96 at Annex.A/4.

3. During the arguments, it was accepted by the learned counsel for the applicant that Annex.A/4 dated 7.2.96 pertains to fixation of pay of Clerk Grade-II on his promotion to the post of Clerk Grade-I and grant of advance increments thereof for passing the Part-II-A Examination and as such this letter dated 7.2.96 was not applicable in the case of the applicant. The learned counsel for the applicant further insisted that consequent upon recommendations of Third Pay Commission, the pay of the applicant was fixed at the minimum of the scale Rs. 330-560 without granting any advance increments, though advance increments were granted to the applicant in the earlier pay scale of Rs.130-300 and in this regard it would be relevant to go through respondents letter dated 17.5.69 which reads as under :-



"Reference your letter number 67-Adm./A/Cr.Clerks dated 22nd April 1968. The Board have carefully considered the matter and have decided that the pay of such of the directly recruited clerks grade 1st including the servicing employees who were recruited as clerk grade first, through Railway Service Commission and have passed the appendix II examination in the first attempt, may be raised to Rs. 150/- in scale of Rs. 130/-300/-.(.) on completion of one year's service as clerk grade 1st and the pay thus fixed be further progressed performa up to the date following the last date of the Appendix II examination in which they qualified, no arrears being paid for the period up to the last day of the appendix II-A examination. The next increment shall be granted on the day it would have accrued, but for the fixation of pay in the above manner. The pay of the staff concerned should be regularised according."

It is clear from this letter that the Clerk Grade-I on passing the Appendix II-A Examination in the first attempt were entitled for fixation of their pay at the stage of Rs. 150/- in the scale of Rs. 130-300 on completion of one year service as Clerk Grade-I and the pay thus fixed was to be further progressed performa up to the date

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following the last date of Appendix II-A Examination in which they qualified. In the instant case, the applicant's pay has been raised to Rs. 150/- w.e.f. 1.7.72 (one year after his appointment as Clerk Grade-I). The Third Pay Commission Recommendations came to be implemented w.e.f. 1.1.73 and his pay in the new pay scale Rs.330-560 was fixed with reference to his basic pay of Rs. 150/- in the pre revised scale. Admittedly, the four advance increments granted to the applicant consequent on his passing the Appendix II-A Examination got merged in his pay with reference to which his pay was fixed in the revised pay scale recommended by the Third Pay Commission. It is a different case that his pay came to be fixed at the minimum of the scale i.e. Rs. 330/- in the scale of Rs. 330-560. The contention of the applicant that some of the Clerk Grade-II promoted as Clerk Grade-I would be drawing higher pay than him in terms of respondents letter dated 7.2.96 by way of grant of advance increments in the scale of Clerk Grade-I and thus the applicant would be drawing lesser pay than his juniors. It is here pointed out that such an anomaly cannot be rectified by grant of advance increments.

4. The learned counsel for the applicant has cited the judgment of Hon'ble the Supreme Court in 1998 (7) Supreme 218 - Harkant Hiralal Vohra (dead)by LRs. versus U.O.I. & Anr., in support of his contention. A perusal of this judgment reveals that this judgment deals-with the case of grant of advance increments to Clerk Grade-II on their promotion to Clerk Grade-I. Since the applicant was appointed directly as Clerk Grade-I, the cited judgment does not help him.

5. Thus, in our opinion, the O.A. is devoid of any merit and deserves to be dismissed. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

A.K.MISRA
(A.K.MISRA)
Judicial Member

Li do -
Hon'ble member (B)

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Done

25/4/2024, 10:00

(Parliamentary Papers)

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by
Date
(01/5/24)

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