

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.543/97

Tuesday this the 14th day of October, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

E.M. Varughese,  
S/o late Chandy Mathew,  
Head Draughtsman,  
Office of the Senior Divisional  
Electrical Engineer,  
Southern Railway, Trivandrum,  
residing at Railway Quarters  
NMo.137-D, Poojapura, Trivandrum.

...Applicant

(By Advocate Mr. K.M. Anthru)

Vs.

1. Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Railways,  
Rail Bhavan, New Delhi.
2. The General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town PO, Madras.3.
3. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town PO, Madras.3.
4. The Senior Divisional Personnel Officer,  
Southern Railway,  
Trivandrum Division,  
Trivandrum.14.

..Respondents

(By Advocate Mr. James Kurien)

The application having been heard on 14.10.1997, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant has in this application prayed  
for a declaration that he is entitled to the benefit  
of six advance increments with effect from 10.10.95 as  
provided in Annexures.A1 and A2 orders and for a

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direction to the respondents to give him the said benefit and to set aside the impugned order A.10 by which he was told that he was not entitled to the benefit. He has also prayed for quashing of para 2(ii) of Annexure.A7 to the extent it denies the applicant the benefit of A.1 and A2 to those non-gazetted staff who acquired higher scientific/technical/accounts qualifications prior to 2.1.1996.

2. The application was admitted and was sent before the Registrar's Court for completion of pleadings. The respondents have filed a detailed reply statement opposing the grant of the reliefs prayed for. But before the pleadings were complete learned counsel for the respondents submitted before the Registrar's Court that in view of a change in the policy of the Railway Board it has been decided to extent the benefit to Group 'C' employees in the Railways who acquired the qualification prior to 2.1.96 and that therefore, the applicant will be granted these advance increments from 10.10.95 as prayed for by him on refund of Rs.10,000/- which was granted to him in lieu of advance increments.

3. When the matter came up for hearing before the Bench, learned counsel for the respondents stated that as the respondents have decided to extent to the applicant the reliefs he has prayed for, the application may now be disposed of with appropriate directions. Learned counsel for the applicant states that instead of refunding the lump sum amount of Rs.10,000/- the respondents may be directed to adjust this amount out of the arrears that may be payable to


the applicant on account of the grant of six advance increments from 10.10.95 onwards. This request on behalf of the applicant is reasonable.

4. In the result, in the light of the submission of the learned counsel on either side under instructions from the parties, we dispose of this application with a direction to the respondents to grant to the applicant six advance increments from 10.10.95 in accordance with the provisions in A1 and A2 orders and to pay him the arrears resulting there from deducting the sum of Rs.10,000/- already paid to the applicant. If the arrears would not be sufficient to wipe of Rs.10,000/- already paid to the applicant, the respondents would be entitled to recover the entire remainder from the applicant in one lump sum. Necessary orders as directed above shall be issued by the respondents within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 14th day of October, 1997



S.K. GHOSAL  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: Letter No.P(RT)553/1/2/incentives dated 20-6-1966 as communicated by the second respondent.
2. Annexure A2: Letter bearing No.E(NG)I/87/IC2/1 dated 29.5.1989 issued by the Railway Board.
3. Annexure A7: Letter No.E(NG)I-93/IC2/5 dated 2.1.1996 issued by the Railway Board.
4. Annexure A10: Letter No.V/P 535/VIII/Drawing Staff Vol.II dated 26.4.1996 along with its enclosure bearing No.P(S)673/VII/Drg. dated 8.4.1996 issued by the fourth respondent.

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