

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 552 of 1995

Monday, this the 19th day of August, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Vasu Nair,
Junior Telecom Officer,
(Trunks & Carrier),
Telephone Bhavan, Kannur-1.
(Residing at Kannur).

.. Applicant

By Advocate Mr. Premnath for Mr. M.P. Ashok Kumar.

Vs

1. Union of India, represented by the Secretary, Ministry of Communications, New Delhi.
2. The Chief General Manager, Kerala Telecom Circle, P.M.G. Junction, Trivandrum.
3. The General Manager, Telecom, Kannur Telecom District, Thavakkara, Kannur.
4. The Chief Air Staff, Air Head Quarters, Vayu Bhavan, New Delhi.

.. Respondents

By Advocate Mr K.S. Bahuleyan for Mr TPM Ibrahim Khan, Sr.CGSC.

The application having been heard on 19th August 1996, the Tribunal on the same day delivered the following :

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant, an Ex-Serviceman seeks a declaration that his pay is liable to be refixed reckoning eighteen increments based on eighteen years of service rendered by him in Indian Air Force.

2. Applicant was a Radio Fitter Sergeant in the Indian Air Force. He was discharged on 30.9.78 when he was drawing a pay of Rs 465/-. In the quota reserved for Ex-servicemen in the Telecom Department he was reemployed as a Technician in the scale of Rs 260 -480. Granting him ten increments in lieu of the service rendered in the Air Force his pay was fixed at Rs. 340/-. Applicant resigned from that, on being appointed directly as Junior Telecom Officer (earlier known as Junior Engineer) in the scale of Rs 425-700. According to applicant, on his employment as Junior Telecom Officer (Junior Engineer) he is entitled to get the benefit of increments contemplated by an order of the Government of India, which he has not produced. However, R-2(C) produced by respondents gives an indication that there is a provision in this behalf. It reads:

"The initial pay, on re-employment, should be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is re-employed ... where it is felt that the fixation of initial pay of the re-employed officer at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re-employed."

The arguments advanced by learned counsel is a far cry from this order. The order does not visualise any entitlement to receive additional increments on reemployment. It is an enabling provision, which enables the competent authority to grant increments, if it is felt that undue

hardship will be caused. Applicant got this benefit once when he was appointed to a quota reserved for Ex-Army men. That benefit he waived when he relinquished the post.

3. What is really important is that there is no entitlement to get increments in lieu of past service in the Air Force. There is only an enabling provision for the authority to act in the matter. The competent authority considered that this is not a fit case for granting such increments. It is not possible to say that the view taken by the respondents is vitiated by errors apparent on the face of the record, or to say that this is a view which no reasonable authority instructed in fact or law would have taken. The claim now advanced is nothing short of adventurism.

4. The application is without merit. We dismiss the same. No costs.

Dated the 19th August, 1996.

P. Venkatakrishnan
P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

H. Sankaran Nair
CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexure

1. Annexure R2(c): True copy of the O.M.No.8(34)Est.III/57 dated 25/11/1958 of the Govt. of India, Ministry of Finance, as amended.