

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

O.A. No. 217/87
O.A.No. K.100/87
O.A.No. K.196/87

G. R. Pillai

Applicant in O.A.
No. 217/87

K. K. Ravindran

Applicant in O.A.
K.100/87

V. Komalavally

&

R. Prasannakumaran Nair

Applicants in O.A.
No. K.196/87

Vs.

1. Government of India represented
by the Secretary, Ministry of
Finance, Department of Revenue
& Insurance, New Delhi

2. The Commissioner of Income Tax,
Madaparambil buildings,
Cochin-16

3. The Commissioner of Income Tax
Kottarathil Buildings, Palayam
Trivandrum-33

1. Government of India represented
by the Secretary, Ministry of
Personnel, P.G. & Pension,
New Delhi

2. The Commissioner of Income Tax,
Madaparambil buildings, Cochin-16

3. The Commissioner of Income Tax,
Trivandrum

4. The Income Tax Officer,
A Ward, Trivandrum-3

Respondents in O.A.
No. 217/87

Respondents in O.A.
No. K-100/87

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|--|-------------|--|
| 1. Government of India represented
by the Secretary, Ministry of
Personnel, P.G. & Pension,
New Delhi | X
X | |
| 2. The Central Board of Direct Taxes
Ministry of Finance, Department
of Revenue, North Block, Central
Secretariat Buildings,
New Delhi-110 001 | X
X
X | Respondents in
O. A. K-196/87 |
| 3. The Commissioner of Incometax,
Cochin, Ernakulam, Cochin-16 | X | |
| 4. The Appellate Assistant Commissioner
of Incometax, Ernakulam | X | |
| Mr. N. Sugathan | | Counsel for the
applicants in all the
three cases |
| Mr. P. V. Madhavan Nambiar, SCGSC | | Counsel for the
respondents in all the
three cases |

CORAM:

Hon'ble Shri G. Sreedharan Nair,
Judicial Member

O R D E R

These applications were heard together and are
being disposed of by a common order.

2. The applicants are stenographers in the Incometax
Department on the scale of pay of Rs. 130-300 which was
revised as a result of the Report of the Third Pay
Commission to Rs. 330-560 with effect from 1.1.1973. The
pay of all these applicants was accordingly fixed in the
revised scale with effect from 1.1.1973. Prior to the
report of the Third Pay Commission, by the order dated
29.5.1970, the benefit of advance increments was allowed
to stenographers passing the test at the speed of 100 w.p.m
in shorthand by two increments and for those passing at
the speed of 120 w.p.m. by four increments _____

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in the scale of Rs. 130-300. Copy of the order is at Annexure A-5, in O.A. K-100/87. Subsequent to the revision of the pay scale, an order was issued on 18.6.1976 (copy of which is at Annexure-A6) restricting the increments in the corresponding new scale to one in the case of those who passed the test at the speed of 100 w.p.m. and two regarding those who passed the test at the speed of 120 w.p.m. All these applicants passed the test at the speed of 120 w.p.m. in shorthand on 5.4.1977. As a result of the passing of the test, they were allowed two advance increments in the revised scale.

3. On 13.3.1984, the Central Government employees were allowed time upto 31.5.1984 to exercise fresh option to switch over to the revised scales or not. Accordingly, the applicants who had earlier opted to come over to the revised scale, exercised re-option to revert to the pre-revised scale which was allowed and they were permitted to continue in the pre-revised scale till 12.8.1977 in the case of a first applicant in O.A. K-196 and till 6.4.1977 in the case of other applicants.

4. The grievance of these applicants is that when once they have been allowed the pre-revised scale, they are eligible for advance increments as per Annexure-A5 order, and since their pay was originally fixed on that basis, but was subsequently revised, a direction may be given to the respondents for fixing their pay as was done originally.

5. In the reply, the respondents state that the scheme as contained in the orders at Annexure-A5 was withdrawn with effect from 1.1.1973, the date on which

the Central Civil Service(Revised) Pay Rules, 1973 came into operation and that by the orders in Annexure A-~~4~~¹, fresh scheme was introduced with retrospective effect from 1.1.1973. It is pointed out that earlier fixation of pay of these applicants allowing four advance increments on the strength of the Annexure-A5 order was wrong as at the time of fixation, the said order itself was not in force. It is stated that the pay of these applicants is fixed on the basis of subsequent orders contained in orders at Annexure-A6.

6. The controversy relates to the grant of advance increments on passing the test at the speed of 120 w.p.m. in shorthand. Admittedly, the applicants passed the test only on 5.4.1977 when the scheme as contained in the orders at Annexure-A5 was no longer there, it having been withdrawn by the order referred to in the letter dated 11.4.1974. As such, the earlier fixation of pay of these applicants giving them the benefit as per the orders in Annexure-A5 was not warranted.

7. In the revised fixation of pay, it is seen that the applicants have been granted two increments in the old scale, which again cannot be supported, as in accordance with the orders at Annexure-A6, two

increments have to be allowed in the pay scale of Rs. 330-560, the revised scale. However, as it was submitted by the counsel of the applicants that all these applicants exercised re-option in the pre-revised scale bonafide believing that they will get the benefit of four increments as per the orders at Annexure-A5, an opportunity may be afforded to the applicants to withdraw the re-option so as to enable them to fixation in the revised scale in accordance with the option exercised earlier and the fixation of their pay may be done applying the orders in Annexure-A6, that is by granting two/^{advance} increments in the revised scale. Considering the circumstances of the case, I am of the view that the request is fair and reasonable and deserves to be allowed. In case the applicants or any of them file a representation stating their intention to withdraw the re-option, within a period of one month from the date of receipt of copy of this order, respondents shall permit them to do so and as a consequence, have their pay re-fixed on the basis of the original option. It is made clear that if on any account any of the applicants does not submit such representation, the fixation of pay now made will ~~not~~ be allowed to stand subject to the modification that instead of the two advance increments in the pre-revised scale, they will be reckoned in the revised scale. ^{also} ~~as~~ it was submitted by the counsel of the applicants that as the applicants in

K-196/87 have filed representations claiming higher pay on the ground of their juniors drawing higher pay, the disposal of these applications may not be a bar for consideration of those representations. It is clarified accordingly.

8. Subject to the above observations, these applications are disposed of as above.

h. Sany
2-8-1988
(G. Sreedharan Nair)
Judicial Member
2.8.1988

Index: Yes/No
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