

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 237 of 1992.

DATE OF DECISION 18.12.92

T. R. Rajamani Applicant (s)

Mr. K. P. Dandapani Advocate for the Applicant (s)

Versus

Council of Scientific & Industrial Research, N. Delhi Respondent (s)
rep. by Director General and others

Mr. M. C. Sen Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **S. P. Mukerji, Vice Chairman**

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1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Hon'ble Mr. S. P. Mukerji, Vice Chairman)

I have heard the learned counsel for both the parties and gone through the documents relating to this application in which the applicant promoted from the grade of Scientist 'A' to Scientist 'B' grade in the scale of Rs. 700-1300 has challenged the impugned orders dated 27.3.90 at Annexure. A.3. and dated 10.9.84 at Annexure. A.4 by which his representations for antedating his increments from February of each year to the date of normal increment on 7th of October of the previous year have not been accepted. The material facts of the case are that on the basis

of the scheme of advance increments, a copy of which has been placed at Annexure.A to the reply statement filed by the respondents, the applicant was given two advance increments in the scale of Rs.700-1300, with effect from 1.2.81. As stated earlier since the applicant was drawing Rs.940/- on the date of his promotion on 7.10.80 he should have normally got the next increment on 7.10.81. Because of the two advance increments given to him with effect from 1.2.81 the respondents allowed him the next increment as on ^{instead of on 7.10.81.} 1.2.82. The contention of the applicant is that the benefit of two advance increments ~~cannot~~ be taken away by postponing his date of normal increment from October, 1981 to February, 1982. By this postponement his normal increment which would have ^{accrued} to him without the advance increments, from 7.10.81 has got absorbed in one of the two advance increments given to him.

2. Where such advance increments are given, how ^{is to} the date of next increment be governed has been laid down by the Government of India's Order dated 6.7.90, extracted below FR-27 as Government of India's order No.1 on page 137 of Swamy's Compilation of FR & SR Part-I, General Rules (Eleventh Edition). ^{That is} ~~in~~ ^{the} ~~order~~ quoted as follows:

"(1) Future Increments after premature increment regulated in the ordinary course.

In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen." (emphasis added)


3. In accordance with the aforesaid order it is clear that the next increment due to the applicant before us after he was given two advance increments with effect from 1.2.81 would be 1.2.82 and not 7.10.81. The learned counsel for the applicant, however, referred to the Government of India's O.M. of 4th October, 1975 which has been extracted as Government of India's Order No.7 at pages 141 and 142 of the aforesaid Swamy's Compilation. Clause ^(vi) of para 2 of that O.M. reads as follows:

"(vi) The date of next increment after the grant of advance increments should remain the same."

4. The aforesaid dispensation ^{was} given in respect of the Stenographers in Subordinate offices for obtaining higher speed in Shorthand. If we read Government of India's orders 1 and 7 together we find no inconsistency between the two, because the order dated 6.7.90 extracted above lays down the normal dispensation "in the absence of special orders to the contrary". In case of Stenographers a special dispensation has been given by not changing the normal date of increment after they are given advance increments. In absence of special orders in case of the applicant, he is not entitled to get his next increment in October, 1981.

5. In the above light, I see no merit in the application and dismiss the same. I make it clear

that this order shall not preclude the applicant from applying ^{for} and the respondents from issuing any special order if so advised, granting the same benefits to the applicant as had been granted to the Stenographers as aforesaid. There is no order as to costs.


18. XII. 92
(S.P. MUKERJI)
Vice Chairman
18.12.92

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