

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 259 OF 2010

Thursday, this the 13th day of October, 2011

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. Indira G Pillai
Karthik Nivas, Thrikkunnappuzha
Kakkakkunnu PO, Sooranad South
Kollam
2. Preethy Vinod
Karthik Nivas, Thrikkunnappuzha
Kakkakkunnu PO, Sooranad South
Kollam
3. Priya Vimal
Karthik Nivas, Thrikkunnappuzha
Kakkakkunnu PO, Sooranad South
Kollam

... Applicants

(By Advocate Mr. N.Nagaresh)

versus

1. Union of India represented by Secretary
Department of Personnel & Training
Government of India
New Delhi.
2. Director General of Ordnance, Service
Master General of Ordnance Service
Master General of Ordnance Branch
Army Headquarters, DHQ Post Office
New Delhi.
3. Commandant
Central Ordnance Depot (DMD)
Dehu Road
Pune – 412 101

... Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The application having been heard on 13.10.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant joined in Army on 01.01.1983. He was discharged from service after rendering 19 years of service as LDC in Maratha Light

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Infantry. According to the applicant, after pay revision in 1986, he was placed in the scale of ₹ 950-20-1150-EB-25-1500. The applicant reached the maximum of pay scale on 01.01.1995. According to him, he was eligible for stagnation increment only after two years on 01.01.1997. In the meanwhile, consequent upon the recommendation of the 5th Central Pay Commission on 01.01.1996 the applicant's pay scale was revised from ₹ 950-1500 to ₹ 3050-4590. According to him as per the Revised Pay Rules, 1997 more particularly, 3rd proviso to Rule 8 provides that an employee stagnating for more than one year in the pre-revised scale, may be granted an additional increment on 01.01.1996. The applicant's pay was fixed in the revised scale of pay after allowing one additional increment as per Annexure A-1 dated 22.03.1999. What was given to him was not stagnation increment but an additional increment as admissible under Revised Pay Rules, 1997. The position is clarified in O.M dated 02.04.1998 which is produced as Annexure A-2. But according to the applicant, this additional increment was sought to be withdrawn by Annexure A-3 letter holding that the payment of additional increment is incorrect in the light of O.M. dated 22.07.1998, a copy of which is produced as Annexure A-6. It is contended that the benefit conferred on the applicant being under Revised Pay Rules, it is statutory in character and such additional increments cannot be withdrawn by an executive order. It is also contended that he need not complete more than 2 years as per Annexure A-2.

2. According to the respondents unless the applicants complete two years period as on 01.01.1996, they will not be entitled for any additional increments and it is rightly withdrawn.

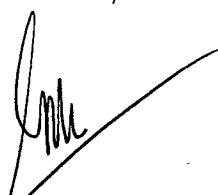
3. We have heard the counsel on both sides. As per Revised Pay Rules, 1997, the 3rd proviso reads as hereunder:



"Provided also that in the case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 1996, next increment in the revised scale shall be allowed on the 1st day of January, 1996." (emphasis supplied)

4. The contention that he was to be paid one additional increment as per Revised Pay Rules, 1997 does not appear to be correct. As per the third proviso only when he has reached the maximum of the scale for more than a year he will be entitled of the additional increment. He has not completed for more than a year as on 01.01.1996 and he was not drawing the maximum of the scale for more than one year. Even though when Annexure A-2 order as per which it is clarified that the benefit of an additional increment on 01.01.1996 shall also be admissible to those employees who reached the maximum of their pre-revised scale of pay on 01.01.1995. This clarification is not in terms with Revised Pay Rules, 1997 and it has been rectified by Annexure A-6. We do not find anything in Annexure A-6 contrary to the Revised Pay Rules, 1997. The statutory Rules says that one should continue in the scale for more than one year. By an executive order the period has been fixed as two years. We do not find anything contrary in Annexure A-6. At any rate since the applicant did not have more than one year service in the maximum of the scale even going by the statutory rule he is not entitled for the additional increment leave alone whether he has two years or more. OA is devoid of any merit and the same is **dismissed**. No costs.

Dated, the 13th October, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER