

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 279/05

THURSDAY, THIS THE 13th DAY OF SEPTEMBER, 2007.

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER**

Dr. T. John Zachariah S/o T.S. Yohan
Senior Scientist, Indian Institute of Spices Research
Marikunnu PO, Calicut-12
residing at "Bethlome"
Chelanoor, Calicut-673 571.. ..Applicant

By Advocate M/s TC Govindaswamy, Heera D.,
PN Pankajakshan Pillai and Sumy P. Baby

Vs

- 1 The Indian Council of Agricultural Research
through its Secretary, Krishi Bhavan
New Delhi.
- 2 The Director
Indian Institute of Spices Research
Markunnu, Calicut.
- 3 Head (Social Science)
The Indian Institute of Spices Research
Marikunnur PO
Calicut-673 012 ..Respondents

By Advocate Mr. P. Jacob Varghese

O R D E R

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

Briefly stated, the facts in this OA are that the applicant joined the ICAR as a scientist on 14.1.1985. He was promoted as Scientist (senior scale) with effect from 14.1.90 and later as Senior Scientist on 14.1.1998. He acquired Ph.D. degree while in service. In terms of

Annexure A1, the applicant has contended that he is entitled to the grant of two advance increments for acquiring Ph.D degree and to another two advance increments while moving over as senior scientist. He is aggrieved by the denial of the aforesaid benefits and has accordingly prayed for the following reliefs.

(a) Call for the records leading to the issue of Annexure A6 and quash the same.

(b) Declare that the applicant is entitled to be granted in terms of Annexure A1, two advance increments for acquiring Ph.D degree in his service career as a scientist and two more advance increments while moving over to the post of senior scientist since he was a holder of Ph.D as on that date

(c) Direct the respondents to grant the applicant the benefits of declaration in para 8(b) above, and direct further to grant and pay consequential arrears arising therefrom within a time limit as may be found just and proper by this Tribunal.

(d) Award costs of and incidental to this application:

(e) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2 The respondents have filed a reply statement in which they contended that the claim of the applicant to two advance increments for acquiring Ph.D degree is not correct as the applicant was holding the post of a Senior Scientist for which Ph.D is an essential qualification as on 27.7.98 and hence he is ineligible in view of the clarification dated 28.3.01 at Annexure R3. With regard to the applicant's claim for two increments for moving to the post of Senior Scientist with effect from 14.1.1998, the same is also not in order according to the respondents as he became a senior scientist as per the pre revised Career advancement scheme in which there was no provision for giving advance increments.

3 A rejoinder has been filed denying the averments as misleading and irrelevant in the light of the orders at Annexure A1 and the clarification at Annexure A3.

4 The respondents have now filed an additional reply stating that the matter regarding grant of advance increments was reviewed and it has been decided to allow the incentive of two increments to all those who acquired Ph.D degree during their service career in a uniform manner with actual benefits from the cut off date viz 27.7.1998 and the applicant has been granted two advance increments vide ISR letter no 9(98)-Estt dated 30.11.2005. and hence the OA has become infructuous.

5 At the time of arguments, the counsel for the applicant submitted that only one part of his prayer in para 8(b) of the OA has been granted by the respondents in the order dated 30. 11. 2005 mentioned above and the applicant is entitled to the additional two increments for moving over Senior Scientist as has already been allowed by the Tribunal in the case of the applicant in OA 280/2005. The Learned counsel for the respondents agreed that the decision in OA 280/2005 would cover the case of the applicant also. On perusal of the above order, we find that the applicant's prayer is also covered by clarification (2) in Annexure A3 which has been relied on in the order in OA280/2005.

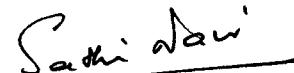
6 OA is allowed accordingly taking note that the first part of the

prayer has already been granted by the respondents and directing them to grant the applicant two more advance increments for moving over to the post of senior scientist in accordance with the clarification at Annexure A3 dated 19.4.2004. The applicant shall also be entitled to consequential payment of arrears. The above directions shall be complied with within three months from the date of receipt of the order.

Dated 13.9.2007



DR. K.B.S. RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

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