

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 295
T. A. No.

1992

DATE OF DECISION 4.1.93

A. Madhavi _____ Applicant (s)

Mr. M.R.Rajendran Nair _____ Advocate for the Applicant (s)

Versus
union of India represented by
Secretary to Govt., Ministry of Respondent (s)
Communications, New Delhi and another

Mr. T.P.M. Ibrahim Khan, ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

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1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicant is aggrieved by the refusal of the second respondent to fix his pay in accordance with law considering the date of next increment on 1.1.86.

2. According to the applicant, she commenced service on 4.10.66 as Telephone Operator at Bangalore. In 1972 she was transferred to Kanjagad and thereafter again she was posted at Trivandrum in 1977. She was promoted as Telephone supervisor (operative) w.e.f. 30.11.83. Her pay was fixed in the promoted post in the scale of Rs. 425-640 at Rs. 425/- with next increment on 1.11.84. Due to the Extra Ordinary Leave availed by the applicant, the date of next increment, which according to her was due on 1.11.84, was postponed to 1.1.86. Accordingly, her basic pay as on 31.12.85 was .. fixed at Rs. 440/-. After the Pay Revision, her pay was ..

fixed as per Annexure-1 memo dated 27.10.86 indicating the date of next increment as 1.1.87. The applicant contended that this is wrong and she is entitled to fixation of date of increment as 1.1.86 with the date of next increment on 1.1.86 itself. She also relied on decision of this Tribunal in O.A. 307/88, O.A. 664/91 and O.A. 1014/91 in support of her case. With these averments, the applicant has claimed the following reliefs:

- " (i) to declare that applicant is entitled to have her pay fixed at the stage of Rs. 1440/- as on 1.1.86 with the date of next increment on 1.1.86 itself.
- ii) Alternatively it is prayed that the respondents may be directed to step up his pay as equal to his juniors with reference to the date of commencement of service
- iii) Grant such other reliefs as may be prayed for and the Tribunal may be deemed fit to grant and
- iv) Grant the cost of this Original Application"

3. Respondents filed a reply statement denying the averments and allegations in the Original Application. They have stated that the fixation of the date of increment as shown in Annexure A-1 is in accordance with rules.

4. At the time when the case was taken up for final hearing learned counsel, Sri M.R. Rajendran Nair, appearing on behalf of the applicant relied on the judgment of this Tribunal in O.A. 664/91 and submitted that identical issue has been considered by this Tribunal and held as follows:

"In the light of our aforesaid observations and considering also that the applicant's pay in the old scale cannot in any case be deemed to be Rs. 350/- as on 28.1.86 preponed to 1.1.86, as the old scale became extinct on 1.1.86, this application also will have to be allowed. Accordingly, we allow the application to the extent of directing the respondents that the applicant's pay as on 1.1.86 in the revised scale of Rs. 975-1660/- should be fixed on the basis of his pay of Rs. 340/- in the old scale and his next increment in the revised scale should be allowed to him with effect from 28.1.86."

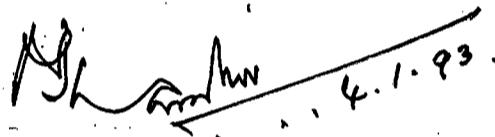
He further submitted that the case of the applicant requires a fresh examination by the second respondent in the light of decisions rendered by the Tribunal in similar circumstances.

4. Having regard to the facts and circumstance of the case I am satisfied that the second respondent may re-examine the claim of the applicant for fixation of the date of increment in the post of Telephone Supervisor w.e.f. 1.1.86. Accordingly in the light of the aforesaid facts, I direct the applicant to file a detailed representation producing copy of the relevant judgment in support of her claim. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment. If the second respondent receives such a representation ~~xxxxxx~~^{filed} by the applicant as directed above, he shall dispose of the same in accordance with law within three months from the date of receipt of the representation.

5. The application is accordingly disposed of.

6. There shall be no order as to costs.

kmh


(N. Dharmadan)
Judicial Member
4.1.93

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