

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 354 of 1997

Tuesday, this the 28th day of April, 1998

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. G. Radhakrishnan Nair,
S/o Gopala Pillai,
Junior Engineer/Grade I/Signal/
Southern Railway, Palghat.
Residing at No. 576-B,
Railway Quarters,
Old Railway Colony,
Olavakkode, Palghat. .. Applicant

By Advocate Mr. TC Govindaswamy

Versus

1. Union of India through the
Secretary to the Government of India,
Ministry of Railways, New Delhi.
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Madras-3
3. The Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.
4. The Railway Board, Rail Bhavan,
New Delhi, through its Chairman. .. Respondents

By Advocate Mr. Mathews J Nedumpara

The application having been heard on 28.4.1998, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant has in this application prayed for a
declaration that he is entitled to the benefit of six
advance increments with effect from 4-5-1995 as provided
in A-1 and A-2 orders and for a direction to respondents
to give him the said benefit and to quash A-6 by which
he was told that he was not entitled to the benefit.

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He has also prayed for quashing A-7 to the extent it denies the benefit of A-1 and A-2 to those non-Gazetted staff who have secured higher scientific/technical qualification prior to 2-1-1996.

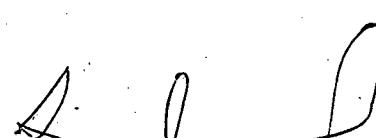
2. The respondents have filed a reply statement opposing grant of the reliefs prayed for by the applicant. Now it is submitted that A-7, one of the impugned orders, has been modified by the authority concerned as per A-9 and the applicant has no grievance now with regard to A-7. By virtue of the modification to A-7 as per A-9, the position is that the applicant is entitled to six advance increments as prayed for by him in the place of the lumpsum amount of Rs.10,000/- which was granted in lieu of advance increments.

3. Learned counsel appearing for the applicant submitted that the OA can be now disposed of by directing the respondents to grant the reliefs sought for in the light of A-9. The learned counsel appearing for the respondents submitted that it can be so done.

4. Accordingly, based on the submission made by the learned counsel on either side, the application is disposed of with a direction to the respondents to grant the applicant six advance increments from 4-5-1995 in accordance with the provisions contained in A-1 and A-2 orders and to pay the arrears resulting therefrom. It is submitted by the learned counsel for the applicant that no lumpsum amount has been granted to the applicant. Learned counsel appearing for the respondents submitted that if any lumpsum payment has been made to the applicant by way of incentive,

the respondents should be permitted to adjust the same towards the advance increments due to the applicant. If any such lumpsum payment has been made to the applicant by the respondents, the respondents are at liberty to adjust it as submitted by the learned counsel for the respondents. Necessary orders on this aspect shall be issued by the respondents within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 28th of April, 1998



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A1: Letter No.E(NG)I/87/IC2/1 dated 29.5.89 issued by the Railway(4th respondent).
2. Annexure A2: Railway Board letter No.30/90 dated 14.2.90.
3. Annexure A6: Letter No.J/P 359/VII/MES/Vol.II dated 7.10.96 issued by the third respondent.
4. Annexure A7: Railway Board Letter No.E(NG)I-93/IC2/5 dated 2.1.96.
5. Annexure A9: Letter No.E(NG)I-93/IC2/5 dated 12.9.97 issued by the Railway Board.

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