

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 363 of 1998

Tuesday, this the 22nd day of May, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. T.K. Ravi, S/o late T. Kuttappan, Junior Telecom Officer, Office of the Divisional Engineer, PCM (Pulse Code Modulation) Installation, Seetharam Mill Road, Trichur, residing at 26/96, Co-operative Road, Chembukavu, Trichur, Pin-680 020 ... Applicant

By Advocate Mr. M.R. Rajendran Nair

Versus

1. The Director, Transmission Installation Bansita Building, Panampally Nagar.
2. Union of India, represented by Secretary to Government of India, Ministry of Communications, New Delhi.
3. Bharath Sanchar Nigam Ltd., represented by the Chief General Manager, Telecom, Kerala Circle, Trivandrum. ... Respondents

By Advocate Mr. Sunil Jose, ACGSC (not present)

The application having been heard on 22-5-2001, the Tribunal on the same day delivered the following:

O R D E R

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

Counsel for respondents absent.

2. The applicant seeks to quash A1 to the extent it shows the date of next increment raising his pay to Rs.6700/- as on 1-1-97, to declare that he is entitled to have the annual increment due on 1-1-96 drawn after fixation of his pay in the revised scale and to direct the respondents to fix his pay accordingly with all consequential benefits and interest at 18% per annum.

3. The applicant says that he is aggrieved by the refusal to grant him proper fixation of pay as per his option in the revised pay scale of Rs.6500-200-10500. He was a JTO drawing a basic pay of Rs.1700/- as on 31-12-1995 in the scale of pay of Rs.1640-60-2600-75-2900. His date of next increment was 1-1-1996. He opted to have his pay fixed in the revised scale of Rs.6500-10500 before the annual increment was drawn in the revised scale. In other words, he wanted his pay fixed as on 1-1-1996 on the basis of his pay on 31-12-1995 and to have his annual increment drawn on 1-1-1996 itself. Inspite of his option, his pay has been fixed at Rs.6500/- as on 1-1-96 with date of next increment as 1-1-97, as per A1. The applicant submitted A4 representation. To that he was informed that the pay fixation of K.M. Venugopal was done incorrectly and the same has been revised fixing the pay at Rs.6500/- on 1-1-96 with date of next increment to Rs.6700/- on 1-1-97.

4. Respondents contend that the applicant is working as Junior Telecom Officer (JTO) from 4-12-1995. His pay as JTO will be fixed at Rs.1700/- on 4-12-1995 with the date of next increment to Rs.1760/- on 1-12-1996. The applicant opted for fixation of his pay on promotion initially in the manner as provided under FR 22(a)(1) which may be refixed on the basis of provisions of FR 22-C (now FR 22(1)(a)(1)) on the date of accrual of next increment in the scale of pay of lower post. Thus the applicant's pay was fixed on 1-1-96 in the JTO cadre at Rs.1760/-. The revised scale of pay corresponding to the old scale of pay of JTOs is Rs.6500-200-10500 and as per pay fixation formula prescribed, the pay of the applicant was fixed at Rs.6500/- on 1-1-96 with the date of next increment on 1-1-97. He cannot claim any increment in the JTO cadre

on 1-1-1996. His pay as Phone Inspector on 1-1-1996 was Rs.1680/-, adding one increment of Rs.40/- his pay comes to Rs.1720/- and the next stage in the JTO cadre is Rs.1760/-. Fixation of pay as per CCS (RP) Rules, 1997: for pay as on 1-1-1996 Rs.1760/-, the corresponding pay in the revised scale is Rs.6500/- in the scale of Rs.6500-200-10500. Thus the applicant's pay was fixed at Rs.6500/- on 1-1-1996.

5. The applicant is saying that as a JTO he was drawing a basic pay of Rs.1700/- as on 31-12-1995 in the scale of pay of Rs.1640-2900. Respondents have specifically stated that the applicant is working as JTO from 4-12-1995. This date is not disputed by the applicant. At the same time, the applicant is saying that his date of next increment was 1-1-1996. It is not known how a person who became a JTO on 4-12-1995 will earn an increment on 1-1-1996. This averment in the OA is totally incorrect and without any basis or legal support.

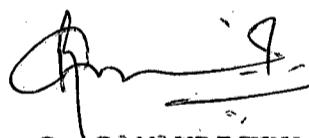
6. What the applicant wants is that his pay is to be fixed as on 1-1-1996 on the basis of his pay on 31-12-1995 and to have his annual increment drawn on 1-1-1996 itself. What is the legal basis for this is not stated. A person who became a JTO on 4-12-1995 wants to have his next increment on 1-1-96. this, cannot be countenanced.

7. In the grounds it is stated that the applicant is entitled to have his pay fixed in the revised scale of Rs.6500-10500 on the basis of his basic pay on 31-12-1995 and he is entitled to have the annual increment on 1-1-1996 drawn in the revised pay scale. Here also, what is the legal basis is not shown. It cannot be simply a case of the applicant who became a JTO on 4-12-1995 claiming that he is entitled to an increment on 1-1-1996.

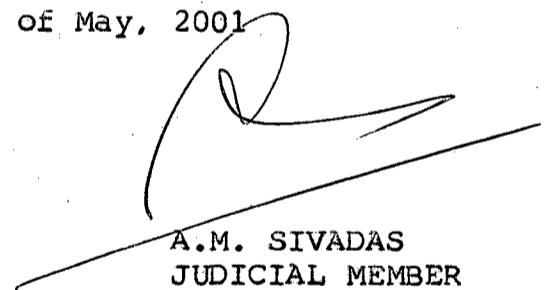
8. We have gone through the reply statement carefully. In the reply statement it is stated that the pay of the applicant as Phone Inspector on 1-1-1996 was Rs.1680, adding one increment it comes to Rs.1720/- and the next stage in the JTO cadre is Rs.1760/-. During the course of argument, we asked the learned counsel appearing for the applicant whether this stand of the respondents is disputed. It was submitted that there is no dispute on this aspect. Based on the pay of the applicant in the JTO cadre at Rs.1760/- the respondents have fixed the pay in the revised scale at Rs.6500/- in the corresponding revised scale of pay of Rs.6500-10500. We do not find anything wrong on the part of the respondents in having fixed the pay of the applicant at Rs.6500/- as on 1-1-1996. That being so, his next increment falls due on 1-1-1997. It is so shown in A1. We do not find any ground to grant any of the reliefs sought by the applicant.

9. Accordingly, the Original Application is dismissed. No costs.

Dated the 22nd day of May, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexure referred to in this order:

1. A1 True copy of the pay fixation Memo dated 16-10-97 issued by the Assistant Chief Accounts Officer, Office of the 1st respondent.
2. A4 True copy of the representation dated 10-12-97 submitted by the applicant to the 1st respondent.