

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION No. 42/2012

THURSDAY, this the 6th day of August, 2015.

CORAM:

HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE MRS.P.GOPINATH, ADMINISTRATIVE MEMBER

N.Sreenivasan, aged 62 years, s/o K.Narayanan (late),
[Retd.Sr.Audit Officer, Office of the Principal Accountant General (Audit),
Trivandrum] Residing at : No.31/908, "Sreeniketh",
Chackai, Pettah P.O. Trivandrum -695 024.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

versus

1. The Comptroller and Auditor General of India,
No.9, Deen Dayal Upadhyay Marg.,
New Delhi -110 124.
2. The Principal Accountant General (Audit) Kerala,
Trivandrum -695 039.

..... Respondents

(By Advocate Mr.K.I.Mayankutty Matter)

This Original Application having been heard on 23.06.2015, this Tribunal on
~~06.08.2015~~ delivered the following:

ORDER

BY HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER

Applicant is a retired Senior Audit Officer who was working under respondent no.2. He is aggrieved by the erroneous fixation of his pay resulting in substantial recurring monthly loss. He was initially appointed on 02.08.1972. After passing Subordinate Accounts Services (SAS) examination prescribed for promotion to the post of Section Officer in February, 1977, he was promoted to that post from 25.3.82. He had also passed Revenue Audit examination for Section Officers and Assistant Audit Officers and thereafter he was promoted to the higher post of Assistant Audit Officer in January, 1986. Again he was promoted as Audit Officer from 21.11.2002 and as Senior Audit Officer from 03.01.2005. He retired from service on superannuation on 30.09.2009. In the meantime, he passed the Intermediate examination of ICWAI during June, 1995. As he was denied of two additional increments due to him consequent upon qualifying Intermediate examination of ICWAI, he approached this Tribunal with

OA No. 1514 of 1998 which was disposed of by this Tribunal on 19.02.99 vide Annexure A/2 order. Thereafter he was granted the benefit of two advance/ additional increments w.e.f. 22.06.95. Thereafter there occurred pay revisions brought into effect as per the 4th, 5th & 6th Pay Commissions. However, his pay was fixed less than his juniors even though two additional increments granted to him as per Annexure A/2 order. The grievance of the applicant is that two additional increments granted to him as a consequence of Annexure A/2 order of this Tribunal was not even reflected in the subsequent postings. According to him, his pay continued to remain lower than the pay fixed for his juniors Shri N. Ravindran Pillai and Shri Somasekharan Nair. This has been persisting till his retirement. Despite Annexure A/3 representation he was not granted the benefit of additional two increments in his pay which remained less than what his aforesaid juniors were getting. Respondents vide Annexure A/4 sent a reply stating that there is no leeway to set apart the additional increments drawn in the pre-revised scale and carry forward such increments in the revised scale as if personal to the applicant. Applicant has again sent Annexure A/5 representation which was rejected vide Annexure A/6 reply. He again sent another representation addressed to respondent no.1 vide annexure A/7, a reminder vide Annexure A/8, a representation marked as A/10 and again a reminder vide Annexure A/11. Finally his representations were rejected vide Annexure A/12. Aggrieved by the A/12 communication, applicant, has approached this Tribunal seeking the reliefs as under:

- (i) Call for the records relating to the issuance of Annexures A6 and A12 and quash the same;
- (ii) Declare that the applicant is entitled to have the two additional/ advance increments granted to him for acquiring the higher qualification as a separate part of the applicant's basic pay and declare further that the applicant is entitled to have the pay stepped up on par with his junior Shri Raveendran Pillai initially with effect from 01 January 1996 and again with effect from 02 January 2006 applying the Notes below 7 of the CCS (RP) Rules, 1997 and 2008 respectively and direct further that the applicant be granted the benefit of two additional/ advance increments for acquiring the higher qualification in addition to the pay so fixed;



- (iii) Direct the respondents to grant the applicant all consequential benefits of the declaration and direction in para 8(ii) above with all consequential arrears of pay and allowances, pension and other service benefits arising there from;
- (iv) Award costs of and incidental to this application;
- (v) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.

2 A reply statement was filed by the respondents contending that the additional two increments granted to the applicant for passing the Intermediate examination of ICWAI is not intended to be carried forward to the next pay revision as it cannot be treated as a separate/ personal element for the purpose of stepping up of pay with that of any junior.

3. We have heard Mr.Jayakumar, learned counsel representing Mr. T.C.Govindaswamy for the applicant and Mr. Vineet Komalachandran learned counsel representing Mr.K.I.Mayankutty Mather for the respondents.

4 Learned counsel for the applicant referred to *Astopada Rit v. State of West Bengal*- a decision of the Calcutta High Court in WP No. 14396(W) of 2007 and the order dt. 30.08.2013 in OA No. 772-PB-2012 of the Chandigarh Bench of this Tribunal. Learned counsel for the respondents referred to *Prabhath Kumar and Others v. State of Kerala and Another* 2010(4) KLT 225 and O.M.Nos.18/44/88-Estt.(Pay) I dt.07.12.2009 & 1/1/2010-Estt(Pay-I) dt. 06.12.2012 of Department of Personnel & Training, Govt. of India.

5 The short question to be decided in this case is whether the additional two increments granted to the applicant w.e.f. 22.06.15 for having passed the Intermediate examination of ICWAI in June, 1995 is to be carried forward in all the subsequent pay revisions while fixing his pay vis-à-vis his juniors ?



6. Annexure A/13 is the circular dt 07.09.1987 issued by the respondent No.1 granting certain incentives to the employees working under the respondents. The relevant portion of that circular reads:

"Consequent on revision of pay scales, the existing incentive schemes in vague in I.A.&A.D. have been reviewed. Accordingly the following decisions are communicated for guidance of all concerned :

- i)
- ii)
- iii) (a)

(b)

(c) Currently, officials who qualify the Intermediate stage of ICWA get a cash award of Rs. 200/- They will now get two advance increments which would get absorbed in the six advance increments granted after qualifying the Final examination."

7. A reading of the aforesaid circular makes it clear that the two advance increments granted to officials who qualify the Intermediate stage of ICWAI is by way of 'incentives for acquiring higher qualifications'. Incentive is for encouraging the officials working in the different offices under respondent no.1 who acquire higher qualifications. It is a tool for motivating the officials to acquire higher specialised qualifications for improving the quality of their performance in the government employment. Specialised qualifications in the field of Accountancy enable them to become more skilled and equipped for undertaking the specialised nature of work in offices of Comptroller General of India and Accountant Generals of the different States. The subsequent OMs issued by DoPT referred to above make it clear that advance increments granted get merged with the basic pay and will naturally continue as a separate element. No doubt, it is part of the pay for all purposes, as the very term "advance increments" indicates.

8. ~~The~~ An official is granted two additional increments in advance as an incentive or as a reward for having acquired a specialised qualification. It is illogical to treat such advance increments capable of being carried forward with the official whenever he gets a promotion or revision of pay consequent on the recommendations of the Pay Commissions.

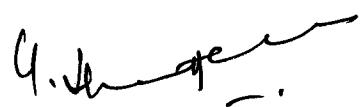
9. Thus, one can see that the advance increments granted to the applicant as an incentive for passing Intermediate examination of ICWAI was to be enjoyed by him during the time when he continued in the same pay scale; not beyond that. When pay revision occurs, pay and pay scale get a different profile. Pay revisions do not reckon the previous incentives received by a government servant, unless the same is

specifically taken into account. Unless there is specific mention in the order granting incentive that it would have cascading effect on the future pay scales, one cannot consider such advance increments as something to be carried forward whenever promotion or revision of pay occurs. In the case of applicant, we are of the opinion that the advance increments will have no effect on future pay fixations vis-à-vis his juniors.

10. In the light of the above discussion we are of the view that the reliefs sought in this OA are highly misconceived and are only to be rejected. In the result, OA is dismissed. Parties shall suffer their own costs.



P.GOPINATH
ADMINISTRATIVE MEMBER



U.SARATHCHANDRAN
JUDICIAL MEMBER

jm