

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:435/2001  
DATED THE 21ST DAY OF AUGUST, 2001

CORAM: HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN  
HON'BLE SHRI G.C. SRIVASTAVA, MEMBER(A)

Baburao K,  
Retired Guard,  
Formerly working at Churchgate,  
Mumbai Division,  
Western Railway,  
Mumbai

... Applicant

By Advocate Shri G.S. Wallia

V/s.

1. Union of India, through  
The General Manager,  
Western Railway,  
Headquarters Office,  
Churchgate,  
Mumbai - 400 020.

2. Divisional Railway Manager,  
Mumbai Division,  
Western Railway,  
Mumbai Central,  
Mumbai - 400 008.

... Respondents

(ORAL)(ORDER)

Per Justice Ashok C Agarwal, Chairman

Applicant by the present OA seeks directions for granting of one stagnation increment. Short facts leading to the aforesaid <sup>claim</sup> ~~case~~ are as follows:-

2. Applicant joined Railway service on 17/12/63. He was placed in the payscale of Rs.425-640. On 1/1/84, he had reached the maximum of the aforesaid payscale and had started drawing Rs.640/- per month. He accordingly claims first stagnation increment after a period of two years i.e. with effect from 1/1/86.

...2.



3. In terms of the IVth Pay Commission, he was placed in the payscale of Rs.1350 - 2200. He retired on superannuation in 1991. For claiming the aforesaid stagnation increment, he had submitted his representations on 26/11/90 and 31/3/91. No decision has been taken on the same. For claiming the aforesaid benefit, reliance is placed on FR-26(15) which provides as under:-

(15) Grant of stagnation increments to those stagnating at the maximum of their pay scales and treatment thereof as pay for various service matters- The Government have accepted the recommendations of the Fourth Pay Commission contained in their Report relating to grant of stagnation increments with the modification that the scheme of stagnation increment will apply to employees, maximum of whose scale of pay does not exceed Rs.6,700 per month.

2. Accordingly, in supersession of all previous orders on the subject, it has been decided that all Central Government employees who have opted for CCS(RP) Rules, 1986, the maximum of whose payscale does not exceed Rs.6,700 and who may reach the maximum of their revised scale of pay shall be granted one stagnation increment on completion of every 2 years at the maximum of the respective scales. The stagnation increment shall be equivalent to the rate of the increment last drawn by them in their pay scales and shall be treated as Personal Pay. A maximum of three such increments shall be allowed. "The pay plus stagnation increment shall in no case exceed Rs.7,300."

4. Grant of aforesaid stagnation increment may have a bearing on his retiral benefits.

7. As far as the question of limitation is concerned, reliance is placed on MR Gupta V/s. Union of India 1995 SCC(L&S)1273 .

8. We find that interest of justice will be met by disposing of the present OA at this stage itself even without issue of

...3.



notice with a direction to the respondents to give their decision on the aforesaid representation. Applicant will be entitled to serve a copy of the present OA on the respondents which will also be treated as a fresh representation submitted by the applicant. The respondents will decide upon the said representation by a speaking order and communicate the same to the applicant expeditiously and within a period of three months from the date of service of a copy of this order.

9. The present OA is disposed of with aforesaid direction.  
No order as to costs.

  
(G.C. SRIVASTAVA)  
MEMBER(A)

abp

  
(ASHOK C AGARWAL)  
CHAIRMAN