

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 467/2001

Date of Decision : 23.6.2003

M.G.Mudgal & Ors.

Applicant

Shri K.K.Waghmare

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri R.R.Shetty

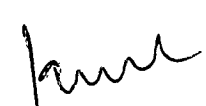
Advocate for the
Respondents

CORAM :

The Hon'ble Shri Kuldip Singh, Member (J)

The Hon'ble Shri Shanker Prasad, Member (A)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library


(KULDIP SINGH)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.467/2001

Monday this the 23rd day of June, 2003.

CORAM : Hon'ble Shri Kuldip Singh, Member (J)

Hon'ble Shri Shankar Prasad, Member (A)

1. Mukund G.Mudgal
2. Ravikiran N.Deshpande
3. Manohar S.Havale
4. Ms.Smita M.Moray
5. Ravindra B.Jaju
6. Mrs.Aarti J.Kale
7. Suresh R.Pokharkar
8. Mahesh P.Limaye
9. Prakash C.Patil
- 10.Mrs.Sangita N.Kekane

...Applicants

All are working as JE(QS&C)
(E/M) in the office of Commander
Works Engineer, Range Hills Road,
Kirkee, Pune.

By Advocate Shri K.K.Waghmare

vs.

1. Union of India
through the Secretary,
Ministry of Defence,
Raksha Bhawan, New Delhi.
2. Engineer-in-Chief,
Kashmir House, DHQ PO,
New Delhi.
3. Chief Engineer,
HQrs.Southern Command,
Pune.
4. Chief Engineer Pune Zone,
Manekji Mehta Road, Pune.
5. Commander Works Engineer,
Range Hills Road, Kirkee,
Pune.
6. Commander Works Engineer
(Air Force) Lohegaon, Pune.
7. Garrison Engineer (North),
Gen.Cariappa Marg, Pune.

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8. Garrison Engineer (Project),
Kirkee, Pune.

9. Garrison Engineer (Naval Works)
Lonavala.

10. Garrison Engineer No.1
(Inside Fort) Ahmednagar.

11. Garrison Engineer No.2,
Gate No.7 M.I.R.C.
Ahmednagar.

...Respondents

By Advocate Shri R.R.Shetty

O R D E R (ORAL)

{Per : Shri Kuldip Singh, Member (J)}

This is a joint application filed by 10 applicants. They have a common grievance about in action of the respondents for not granting three advanced increments to the applicants though they are qualified for the same.

2. The applicants were initially appointed on different dates as given in Ex-'A-2' and all of them were subsequently promoted as JE (QS&C) or JE(B/R) and JE(E/M) as per their original appointment designation. It is further stated that at the time of initial appointment the requisite minimum qualification for recruitment was Matriculation or equivalent with Diploma in Civil/Electrical/Mechanical Engineering. The applicants had obtained Diploma in various fields.

3. All these applicants later on acquired Bachelor's Degree, AMIE (India) in respective fields of Civil/Electrical/Mechanical Engineering. The applicants further claim that as per Circular dated 4.2.1969 (Ex.A-3), applicants are entitled to get three Advance increments on acquiring the Bachelor's Degree in Engineering. This Scheme of grant of three increments were later on substituted by another Scheme for grant of one time lump sum increment.



4. The applicant, however, contend that since this Scheme continued upto 1993 and it was so held by Ernakulam Bench of the Tribunal, the applicants should also be allowed three Advance increments.

5. The OA. is being contested by the respondents. The respondents pleaded that the Scheme of grant of three Advance increment had already been withdrawn by Notification with effect from 1974 and, therefore, the applicants are not entitled to three Advance increments. However, the respondents have taken a decision for grant of lump sum monetary incentive as a one time measure to civilian employees of the MES and that decision needs to be upheld by this Tribunal as the grant of relief would entail huge financial burden which cannot be borne by the Government.

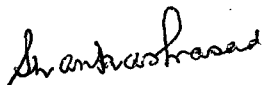
6. We have heard the learned counsel for the parties and gone through the record.

7. The main contention of the applicant was based on the decision of the Ernakulam Bench that the Scheme of three Advance increments continued up till 1993 and since the applicant had acquired the qualification of Bachelor's Degree in Engineering before that so the applicants are also entitled for the same. However, in reply to this, Shri Shetty appearing for the Department submitted that the decision of the Ernakulam Bench has already been set aside by the Kerala High Court and he had placed on record a communication addressed to this effect enclosing a



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copy of the Writ Petition against the judgement of the Ernakulam Bench of CAT. In view of these developments, we are of the considered opinion that the applicants are not entitled to grant of three Advance increments for acquiring higher qualification. However, the OA. is allowed only to the extent that the Department to consider the grant of One Time Monetary Incentive for acquiring Bachelor's Degree in Engineering in accordance with their policy decision dated 13.12.2000. This exercise be completed within a period of two months from the date of communication of this order.



(SHANKAR PRASAD)

MEMBER (A)



(KULDIP SINGH)

MEMBER (J)

mrj.

