

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 60/91
~~Ex-Acc-Ex~~

198

DATE OF DECISION 6.4.92

K B Pimpalkar

Petitioner

Mr. S P Kulkarni

Advocate for the Petitioner(s)

Versus

Union of India & Ors

Respondent

Mr. S C Dhawan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U C Srivastava, Vice chairman

The Hon'ble Mr. M Y Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

M (A)

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESOT ROAD; BOMBAY-1

OA No.60/91

Kiran Bhikaji Pimpalkar
12/81 M H B Colony
Ambernath West
PIN 421501; Dist. Thane

..Applicant

V/s.

1. Union of India
through General Manager
Central Bombay VT
2. General Manager
Central Railway; Bombay VT
3. Senior Divisional Commercial
Superintendent; Central Rly
Bombay VT
4. Divisional Commercial Supdt.
No. II, Central Rly, Bombay VT
5. Assistant Commercial Supdt.
Central Railway
Bombay VT
Bombay 1

.. Respondents

CORAM: Hon. Shri Justice U C Srivastava, VC
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. S P Kulkarni
Advocate
for the applicant

Mr. S C Dhawan
Counsel
for the respondents

ORAL JUDGMENT:

(PER: (M. Y. Priolkar, Member (A))

DATED: 6.4.92

The only question for our determination
in this case is as to whether increments of an
employee could be withheld continuously for a period
of over three years as a result of several punishments.
The increment of the applicant in this case was withheld
at the stage of Rs.1560 raising his pay to Rs.1600
continuously from 1.2.1987 ^{as a result} ~~in token~~ of three punishments
and the third punishment order is dated 1.8.1990 which
has crossed the limit of 3 years. Admittedly, the first

punishment was of withholding increments for six months from 1.2.1989 and the second punishment was for withholding the increment for one year from 1.8.89. Evidently, the currency of the first punishment expired on 1.8.89 and the increment which was withheld under the first punishment order ~~was~~ due to be drawn on 1.8.1989 from which date the currency of the second punishment order commenced. It is not in dispute that even on 1.8.89 the increment withheld under first punishment order was not ~~realised~~ ^{released} and that ~~is~~ ^{by} how, ~~and that~~ the cumulative effect of punishments ~~and that~~ the increment is not given even after three years.

Under the Railway Board's order dated 11.3.86 ~~in~~ it ~~which~~ has been clearly stipulated that where railway employees are not given ~~the~~ ^{their} increments because of different punishments, ~~of~~ withholding of increments being imposed one after another, the regularisation of increments in such cases should be done as indicated in that order. The table given by way of illustration in the order clearly ~~shows~~ ^{indicates} that the increment withheld as a result of the first punishment should be released on the expiry of the currency of that punishment before the second punishment could begin.

Accordingly we have no hesitation in directing the respondents to regulate release of the increment in the case of ~~this~~ ^{the} applicant strictly ^{in accordance} with the instructions of the Railway Board stated above dated 11.3.1986 and give him the consequential benefits accordingly. Let this be done with a period of 3 months from the date of receipt of this order.

(10)

With the above directions the application
is disposed of with no order as to costs.

M Y Priolkar
(M Y Priolkar)
Member (A)

U C Srivastava
(U C Srivastava)
Vice Chairman