

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

O.A. NO: 641/91

199

T.A. NO: ---

DATE OF DECISION 13-3-1992

R.G.Ahluwalia,

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

Union of India and another

Respondent

Ms. Indira Bodade

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 ?

mbm* MD


(U.C.SRIVASTAVA)

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.641/91

R.G.Ahuwalia,
B-70, Railway Bungalow,
Opp.Bole Petrol Pump,
Near GPO,
Nagpur 440 001.

.. Applicant

vs.

1. Union of India
through
The General Manager,
Central Railway,
Head Quarter Office,
Personnel Branch,
Bombay V.T.

2. Divisional Railway Manager,
Personnel Branch,
Central Railway,
Nagpur.

.. Respondents.

Coram: Hon'ble Mr.Justice U.C.Srivastava,
Vice-Chairman.

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

Appearances:

1. Applicant in person.
2. Ms.Indira Bodade,
Counsel for the Respondents.

ORAL JUDGMENT:

Date: 13-3-1992

(Per U.C.Srivastava,Vice-Chairman)

By means of this application the applicant is challenging the Railway Board Circular dtd. 4-5-1990 and amended ~~on~~ on 12-10-1990 by which incentives for acquiring to Group B officials ~~having~~ higher qualifications have been given. The applicant ~~has also~~ acquired additional qualifications and as such on acquiring additional qualifications four advance increments were sanctioned to him, vide letter dtd. 22-1-1991 and 30-1-1991. But later on the same was withdrawn and in some cases recovery was also being made on the ground that the person concerned was officiating in Group 'A' ^{and} was not entitled for incentive scheme.

This made him to approach the Tribunal.

One such application came before the Tribunal which we have disposed of. This is another application in the same line.

2. The advance increment is a scheme of incentive which was initially applicable only to group 'C' employees ^{and} was also extended to group 'B' officers vide Railway Board's letter dtd. 4.5.90. The circular also provides that the benefits will also go to those who are officiating but in the circular it was not mentioned that it will also go to those who are officiating on higher grade. Apart from using the word officiating the matter was left where it was. The applicant on the relevant date was in the scale of Rs.3,000 - 4500 which according to him is Group 'B' which is equivalent to Group 'A' scale. Earlier the benefits of incentive scheme was given to him, later on it was withdrawn. The applicant who is present in person has contended that the circular provides that it can also be given to those who are officiating. As such, apart from the scale which he is getting in the selection grade, he is also entitled to four increments.

3. We have considered this aspect and we are of the view that those who are officiating in a higher scale and so long as they substantially belong to Group 'B' they are also entitled to get benefit of the ~~incentive~~ incentive scheme. But that does not mean that they are entitled to get double benefit. In case in the higher pay scale they are getting less than what they would have got, ^{if} four increments would have been given to them they are entitled to the difference from the date they were

entitled to along with arrears. But in case they are getting more than that, they are certainly not entitled to it. Obviously in case they are reverted and not duly selected to Group 'A' they will continue to ~~not~~ get benefits of incentive scheme but in case they are selected in Group 'A' they will not get the same apart from what has been observed i.e. the difference. Accordingly with the observation that so long as the applicant ~~is~~ substantive in group 'B' though officiating in higher pay scale, he is entitled to benefit of incentive scheme but he will not be entitled to get double benefit. In case in the higher pay scale he is getting less than what he would have got in case the benefit of incentive scheme is given to him, he will get the difference from due date as well as arrears but if he is getting more than that then, apart from recognising his rights for the same, he will not get any actual amount.

With this observation the application is disposed of.
There will be no order as to costs.

Thakur
(M.Y.PRIOLKAR)
Member(A)

U.C.
(U.C.SRIVASTAVA)
Vice-Chairman

MD