

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 31 of 91

Transfer Application No:

DATE OF DECISION: 27/10/1994

Manjot Singh Petitioner

Shri. Ramamurthy Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri. V.S. Masurkar Advocate for the Respondent(s)

CORAM :

Justice.

The Hon'ble Shri / M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P. Srivastava, Member (A)

NO.

1. To be referred to the Reporter or not ?

2. Whether it needs to be circulated to other Benches of
the Tribunal ?

NO


(M.S.Deshpande)
V.C

J*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 31 of 91

Manjot Singh ... Applicant

Vs.

1. Union of India, through the Chief of the Naval Staff Naval Headquarters, New Delhi - 110 011.
2. The Union Public Service Commission, Dholpur House New Delhi - 110 001.
3. The Chief of the Naval Staff (through the Director of Civilian Personnel), Naval Head Quarters, New Delhi - 110 011.
4. The Flag Officer, Western Naval Command, Bombay - 400 001.

... Respondents

EGRAM : 1. Hon'ble Shri. / Justice M.S. Deshpande, Vice Chairman
2. Hon'ble Shri. P.P. Srivastava, Member (A)

Appearances

1. Shri. Ramamurthy, Counsel for applicant
2. Shri. V.S. Masurkar, Counsel for respondents

ORAL JUDGMENT DATED : 27/10/1994
¶ Per. Shri. M.S. Deshpande, V.C ¶

Vide this application, the applicant challenges the Order dated 4/12/1990 by which the applicant's entitlement for advance increments was reduced and for a direction to the respondents to continue to pay to the applicant three increments in addition to ^{Six} ~~three~~ increments which have already been granted. The applicant

was appointed as a Civilian Gazetted Officer on the recommendation of the Union Public Service Commission vide letter dated 25.6.1985 and in pursuance of the recommendations of the U.P.S.C, he was granted three increments in the scale of pay of Rs. 650-30-740-35-810-880-40-1000-EB-40-1200 and his pay was fixed at Rs.740/- p.m vide letter dated 25.6.1985 (Ex. 'A'). The applicant then claimed six increments on the basis of his Army Service as a Short Service Commissioned Officer for every completed year of service admissible under the Ministry of Home Affairs letter dated 29.11.1984 (Ex. 'B'), by filing an application dt. 28.11.1985. He claimed these increments in addition to the three which were already granted (Ex. 'C'). The letter dated 9.6.1987 reads that the matter was considered and it has been observed that the applicant had been recommended for appointment with the threee advance increments in the scale of Rs. 650 - 1200 by the letter dated 16.3.1985, on the basis of his performance at the interview and such increments are granted under FR 27. It was also stated there, that as such he would get these increments in addition to the six increments to which he is reported to be entitled in terms of Ministry of Home Affairs O.M dated 29.11.1984.

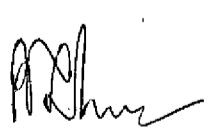
2. The letter dated 29.11.1984 (Annexure 'R1') provides that after considering the matter, it has been decided that those officers who had joined after 10.1.1968 may be granted advance increments equal to the completed years of service rendered by them in Armed Forces on a basic pay (inclusive of deferred pay but excluding other emoluments) equal to or higher than the minimum of the Scale attached to the civil post. The pay so arrived at should not, however, exceed the basic pay (including the deferred pay but excluding of other emoluments) last drawn by them in the Armed Forces.

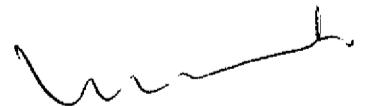
3. It is significant to note that, this does not refer to the pay which is granted on the basis of performance of a candidate at the time of interview, but it was specified that the pay so arrived at should not exceed the basic pay last drawn by them in the Armed Forces. In the present case, if all the nine increments are granted to the applicant, it will not exceed the basic pay of Rs.1,200/-.

4. The learned counsel for respondents, Shri. Masurkar urged that the entitlements of the applicant will be determined by the letter dated 29.11.1984 (Annexure 'R1') which we have referred. It does not seem to us that this letter would help the respondents in reducing pay of the applicant by three increments which were already

granted to him on the basis of his performance at the time of interview, which is not covered by this letter. The Government's letter (UPSC), dated 6.2.1990 (Annexure 'R4') by which the review was undertaken also does not give any reason, whatsoever except by stating that in view of considering the case having regard to all the relevant aspects, the applicant's entitlement of increments also should be fixed accordingly. We are not able to see any reason how the Rule ~~which~~ justifies reduction which is proposed to be done by the respondents in consultation with U.P.S.C. Then The initial three increments which came to be granted on the basis of his performance stood distinctly apart from the increments granted on the basis of his completed service in Armed Forces. In the absence of Rules, ^{The law} ~~it~~ cannot be done. The action of respondents cannot therefore be supported.

5. In the result, we set aside the order dated 4.12.1990 and direct the respondents to continue to give the three increments which were sanctioned by President as per the Ministry of Defence letter dated 19.06.1987. Since the action had already been stayed vide an Interim Order, no further directions are necessary.


(P.P.SRIVASTAVA)
MEMBER (A)


(M .S.DESHPANDE)
VICE CHAIRMAN