

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(8)

O.A. NO: 1/92  
T.A. NO:

199

DATE OF DECISION 9.10.92

H.M.JOSHI & ors.

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

WESTERN RAILWAY BOMBAY

Respondent

SHRI V.NARAYANAN Advocate for the Respondent(s)

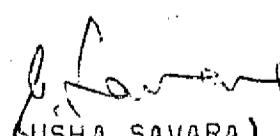
CORAM:

The Hon'ble Mr. USHA SAVARA, MEMBER (A)

The Hon'ble Mr.

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\*

  
(USHA SAVARA)  
M/A

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

ORIGINAL APPLICATION NO: 1/92

Shri H.M.Joshi  
Senior Engineer(Design),  
Survey, and Construction, H.Q. Office  
W.R., Churchgate, Bombay  
and another

.... Applicants

V/s

Union of India  
and another

.... Respondents

CORAM : HON'BLE USHA SAVARA, MEMBER (A)

Appearance :

Applicant in person

Shri V.Narayanan. Adv.  
for the respondents.

JUDGEMENT

DATED: 9. 10.1992

(PER : USHA SAVARA, M/A)

A short question is involved in this case as to whether the applicants, who were substantively Group 'B' employee for which 'Group' certain incentive schemes were in force, were entitled to the benefits of the incentive scheme as they were presently working in the higher scale i.e. Group 'A'. The case is being disposed off at the admission stage itself.

2. The applicants are employees of Engineering Department of Western Railway and were recruited as Group 'C' officers while working as Group 'C' officers, they acquired higher qualification of AMIE(India).

3. The Railway Board had granted two advance increments to all Group 'C' officers who were so eligible and had acquired higher qualification of A.M.I.E.(India). The applicants also got these two advance increments as incentive in addition to their normal increments. The Railway Board by its letter dated 4.5.90 decided that scheme of granting incentive for acquiring higher qualification should be extended to Group 'B' officers. Certain clarifications were also given by the Railway Board on 12.10.1990. The applicants who are Group 'B' officers were granted four increments and their pay was fixed accordingly. They were also paid arrears thereafter.

4. It appears that the matter was referred to the F.A. and C.A.O. who expressed certain doubts and the matter referred to the Railway Board. Thereafter, the had an order was passed by an authority lower than / one which/ granted increments, for stopping the said increments and for recovery of the amount which was so paid to the applicants. The facts of this case are on all fours with the facts in the O.A.No.543/91 decided by Bombay Bench of this Tribunal on 10.3.1992. It was held that on the relevant date the applicants were not a Group 'A' officers but were in Group 'A' scale as adhoc appointees to the said senior scale pending clearance and the approval by the UPSC/Railway Board. (5. The case was argued by the applicant, Shri Joshi himself and Shri V.Narayanan appeared for the respondents. Shri Joshi filed several orders by which

sanctioned has been given for the grant of four incentive increments upon passing of Part-II of A.M.I.E. examination. Shri Narayanan contested the applicants' claim on the ground that the applicants were Gr.'A' Officer, but he could not deny the facts that they were only officiating as Gr.'A' officers and therefore they were covered by the Board's circulars dated 4.5.1990.

6. Having heard the parties, I have no hesitation in holding that the application is bound to succeed. The applicants are entitled to the benefits of the incentive increments and will be entitled to the four increments as given to the other officer similarly placed. However, the applicants cannot be given double benefits of promotion to Gr.'A' as also ~~the~~ advance increments in Grade 'B'. The order dated 17.7.1991 withdrawing the incentive increments is quashed. In case the pay on promotion to Group 'A' is less than what the employee would have earned after advance increments, he should get only the ~~difference~~ between the two while officiating as Group 'A'. The respondents would calculate the amount which has been paid to the applicant in the past and in case extra amount has been paid, the same may be recovered. In case the amount received by the applicant is short of pay scale of Gr.'B' plus four incentive increments, the applicants will be paid the balance and the arrears within a period of 3 months from the date of receipt of certified copy of this order. There shall be no order as to costs.

b. Savaree  
(USHA SAVARA) 9, 10, '92  
M/A

91.