

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 8 DEC 1994

APPLICATION NO: 907 of 94.

APPLICANTS:- Mr. V. R. Nagaraja Sharma,
V/S.

RESPONDENTS:- The Dy. Director of Postal Accounts, Blore - 1 & others

- I. ① Dr. M. S. Nagaraja, Advocate, no. 11, 1st Main,
2nd Floor, Srinakha Complex, Gandhinagar, Bangalore-9.
2. Dy. Director of Postal Accounts, Karnataka Circle,
Bangalore-560001.
3. Director General, Department of Posts
New Delhi-110001.
4. Sri. G. Shankappa,
Addl. C.G.S.C.
High Court Bldg,
Bangalore-1

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 24.11.94.

Issued on
8/12/94




o/c for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH :: BANGALORE

ORIGINAL APPLICATION NO.907/1994

DATED THIS THE TWENTYFOURTH DAY OF NOVEMBER, 1994

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. T.V. Ramanan, Member(A)

Mr. V.R. Nagaraja Sharma
Aged 37 years
S/o. V.M. Ramachandrappa
153/3C, Sri. Raghavendra Nilaya
Bovicolony Road
IIIrd Block, Tyagaraja Nagar
Bangalore-560 028

.... Applicant

(By Dr. M.S. Nagaraja, Advocate)

Vs.

1. Dy. Director of postal
Accounts, Karnataka Circle
Bangalore-560 001.
 2. Director General
Department of Posts
New Delhi-110 001.
 3. The Chief Post Master General
Karnataka, Bangalore-560 001.
 4. Union of India represented by its
Secretary to Govt. Department of
Posts, Ministry of Communications
Dak Bhavan, Sansad Marg
New Delhi - 110 001.
 5. Secretary
Department of Personnel & Training
Govt. of India, North Block
New Delhi-110 001.
- Respondents
- (By Shri G. Shanthappa, A.C.G.S.C.)

O R D E R

(Mr. T.V. Ramanan, Member(A))

The applicant who is an Assistant Accounts

Officer in the office of the Deputy Director of Postal Accounts,
Bangalore, had passed the Intermediate of ICWA examination in



June, 1991 and in accordance with the relevant instructions on the subject he was allowed two advance increments. The instructions as they existed also provided that should a person in service pass the Final of ICWA examination he would be eligible for another 4 advance increments. Apparently, having secured two advance increments and aspiring to secure four more increments upon passing the Final examination of ICWA, the applicant took the Final examination between the 18th and 21st June, 1993. The results of the Final examination, it appears, were announced in September, 1993. The applicant having passed the Final examination was awarded a certificate to that effect in January, 1994. However, on 28.6.1993 the Department of Personnel and Training issued an Office Memorandum (O.M.) (Annexure-A5) replacing the earlier instructions regarding grant of advance increments for passing the Intermediate and Final examinations of ICWA^{etc.}. The aforesaid OM, provided from the financial year 1993-94 for replacement of previous system of giving advance increments by a scheme under which only lumpsum amounts would be granted as incentives for those passing certain examinations. A committee was constituted to look into the matter.

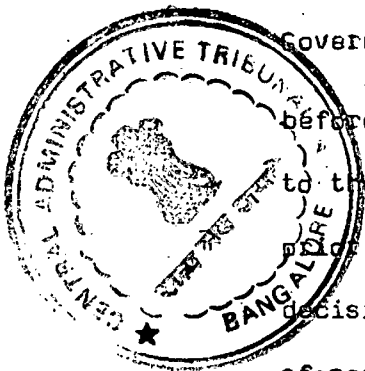
2. Be that as it may, after passing the Final examination of ICWA the applicant requested the first respondent for grant of four advance increments. Having been denied his request, he represented to the second respondent (Annexure-A6). However, by the Memo dated 21.4.1994 (Annexure-A7) the first respondent conveyed the rejection of his represen-

tation by the second respondent stating that in the light of the guidelines contained in the Department of Personnel & Training O.M. dated 28.6.1993 the scheme of grant of advance increments cannot be extended to those employees who had passed the ICWA examination from the financial year 1993-94. The Memo also innocuously adds that such Government servants who had passed the examination from the financial year 1993-94 would have to wait the final decision of the Government meaning thereby that they would be governed by the incentives to be decided upon by the Ministry concerned to be given to those who have passed the examinations from the financial year 1993-94 onwards. Aggrieved with this order of denial of four advance increments, the applicant has come up with this application.

3. We have heard the learned counsel for the applicant and the learned Additional Central Government Standing Counsel for the respondents.

4. In an almost similar case in O.A. No.390 of 1994 decided on 13.9.1994, another Bench of this Tribunal has held that the circular issued by the Ministry of personnel dated 28.6.1993 cannot be operated retrospectively and if a Government servant concerned had already completed his examination before issue of the O.M. dated 28.6.1993, he would be entitled to the incentives allowed in the instructions which existed prior to 28.6.1993. We entirely agree with and abide by the decisions given by the other Bench of this Tribunal in the aforesaid case as regards the applicability of O.M. dated 28.6.1993.

5. In the result, the applicant's case stands governed by the earlier instructions which provided for grant of four advance increments on his passing the Final examination



referred to supra. We, therefore, allow this application and direct R1 and R2 to sanction grant of four advance increments to the applicant. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order by R1 and R2. Copies of this order may be sent to them as early as possible. No order as to costs.

Sd-

Sd-

(T.V. RAMANAN)
MEMBER(A)

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

[Signature]
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Miscellaneous Appln.No.131/95 in

Dated: 21 MAR 1995

APPLICATION NO. 907 of 1994.

APPLICANTS: Mr.V.R.Nagaraja Sharma,

V/S.

RESPONDENTS: The Dy. Director of Postal Accounts,
Bangalore and others.

To

1. Dr.M.S.Nagaraja, Advocate,
No.11, Second Floor,
First Cross, Gandhinagar,
Sujatha Complex, Bangalore-9.
2. Sri.G.Shanthappa, Addl. Central
Govt. Stng. Counsel, High Court Bldg,
Bangalore-1.

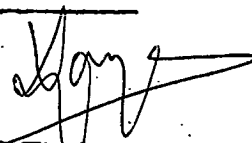
Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 13-03-1995.

Issued on
21/03/95
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for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

5, 1448, 300

Sri. Mr. V. R. Nagaraja Shamma, V/s. Dy. Director of Postal Accounts

MA NO. 131/95 in OA NO. 907/94

Date	Office Notes	Orders of Tribunal
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PKS(VO)/TVR(MA)

13.3.95

Heard.

One more month
granted to comply with the
directions of the Tribunal.

MA 131/95 stands
disposed of.

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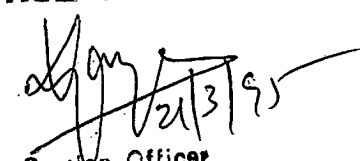
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M(A)

Yes



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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore