

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated:- 27 SEP 1994

APPLICATION NUMBER: 390 of 1994.

APPLICANTS:

RESPONDENTS.

Smt. G.G. Revathi v/s. Secretary, Ministry of Communications,  
New Delhi and four Others.

1. Sri. P.A. Kulkarni, Advocate,  
No. 47, Second Floor,  
57th-A-Cross, Fourth Block,  
Rajajinagar, Bangalore-560010.
2. Sri. M. Vasudeva Rao, Addl. Central Govt.  
Standing Counsel, High Court Building,  
Bangalore-560001.

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

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 13th September, 1994.

Issued on  
27/9/94

for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 390/ 1994

TUESDAY, THE 13TH DAY OF SEPTEMBER, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)  
SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Smt. C.G. Revathi,  
W/o Shri S. Purushottam,  
aged about 38 years,  
Assistant Accounts Officer,  
O/o Director Telecom Sub-Region,  
No.25, Infantry Road,  
Bangalore - 560 001.

... Applicant

( By Advocate Shri P.A. Kulkarni )

Vs.

1. Union of India,  
represented by its Secretary,  
Ministry of Communication,  
No. 20, Sanchar Bhavan,  
Ashoka Road, New Delhi.
2. Department of Telecom,  
represented by its Head of the  
Department, No.20, Sanchar Bhavan,  
Ashoka Road, New Delhi.
3. Chief General Manager,  
Southern Telecom Region,  
Madras-1.
4. Director, Maintenance,  
Southern Telecom Sub-Region,  
No.25, Infantry Road,  
Bangalore - 560 001.
5. General Manager, Maintenance,  
Southern Telecom Region,  
Bangalore - 1.

... Respondents

(By Advocate Shri M. Vasudeva Rao, Additional  
Central Government Standing Counsel )

ORDER

Shri V. Ramakrishnan, Member (A)

The applicant, Smt. C.G. Revathi is aggrieved by the action  
of the Department of Telecommunications in denying her two advance  
increments on her having successfully passed the intermediate

...2/-



examination conducted by the Institute of Costs and Works Accounts<sup>Contends</sup>  
She ~~contains~~ that this benefit is available to her as per the  
Department of Telecommunications Circular letter dated 3.8.89.

2. The applicant who is an Accounts Officer in the Telecommunications Department registered herself with the Institute of Costs and Works <sup>Accounts</sup> Accounts in 1988. She successfully completed the 1st group of the Intermediate examination in June, 1990. She took the 2nd group in June 1993 where also she came out successful. As she has passed both the groups, she was declared successful in the Intermediate examination. The examinations in respect of 2nd group were held from the afternoon of 18.6.93 to 21.6.93. The marks list which also declared her as successful in the Intermediate examination is dated 8.9.93 as could be seen from Annexure I-A. Soon thereafter on 30.9.93 she submitted a representation to the Department requesting for sanction of two advance increments as per instruction No. 15 of DG, P&T under FR 27. This instruction is the circular letter of Telecom Department dated 3.8.89 which had enhanced the incentive available to the Accounts Personnel of the Telecom Department who qualify in the ICWA Examination and provide that officials who qualify in the Intermediate examination of ICWA, will be entitled to be given two advance increments. The department, however, took a line by their letter dated 18.11.93 as at Annexure A-4 that the applicant was not eligible for the grant of advance increments in view of the subsequent letter of the department of Telecommunications dated 6.10.93. This letter of 6.10.93 forwards an O.M. by the Department of Personnel and Training dated 28.6.93 which has replaced the system of advance increments by grant of lump sum amount as incentive. The relevant portion of the office memorandum is reproduced below:

67

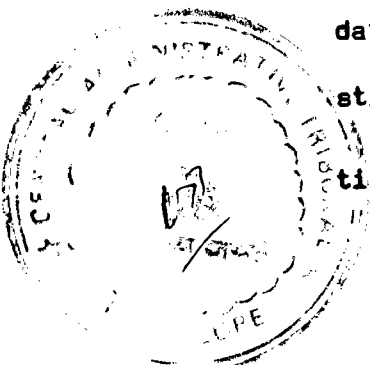
"The system of giving incentives in the form of advance increments to those employees who acquire higher qualifications which are useful in the discharge of their official work has been engaging the attention of the Govt. in the light of the recommendations made by the 4th Pay Commission. In order to streamline the system with a view to have uniformity, the Committee of Secretaries reviewed the existing scheme in various Ministries/ Departments and felt that there is a clear need for switching over from the present system of advance increments to a system of payment of one time lump-sum incentive. Accordingly, from the current financial year the present system of giving advance increments shall be replaced by grant of lump-sum amount as incentive".

The applicant is aggrieved by the rejection of her representation for grant of advance increments and has filed the present application.

3. The respondents in their reply statement has contended that the circular dated 3.8.89 on which the applicant had based her request has since been replaced by the office memorandum dated 28.6.93. As this O.M. envisages grant of only lump sum amount from the financial year 1993-94 onwards she would be given such a lump sum amount on the basis of the standard scale of incentives which would be finally approved by the Government. She is, therefore, not entitled to get two advance increments.

4. We have heard Shri P.A. Kulkarni for the applicant and Shri M.V. Rao for the respondents.

5. Shri Kulkarni contends that the circular dated 28.6.93 cannot be operated retrospectively so as to adversely affect the interest of the applicant. She had taken the 2nd group or Intermediate examination from 18.6.93 to 21.6.93 whereas the circular of DOPT is dated only 28.6.93. The counsel for the applicant argues that the stipulation in the OM which seeks to take away the benefit retrospectively from 1st April, 1993 cannot be sustained. He, further states



that according to the practice followed by the department (and he has filed a Memo. dated 13.9.94 asserting this position,) the benefit of advance increments is extended with effect from the date following the date of completion of last paper of the examination. In the present case the applicant should be given the benefit of advance increments with effect from 22nd June, 1993 (as the last date of examination was 21.6.1993) which is in any case prior to the issue of the office memorandum of 28.6.93. Shri Kulkarni also has referred to DG, P&T letter dated May 1972 and August, 1973. He states that this substantiates his stand that the applicant's entitlement for advance increments has arisen from the date following the completion of last paper of the examination which is prior to the O.M. dated 28.6.93 and not from the date the results were declared in September, 1993.

6. As regards the 1st contention of Shri Kulkarni we find considerable force in his argument that the OM dated 28.6.93 cannot be operated retrospectively so as to adversely affect the interest of the applicant. The OM which replaces the grant of two advance increments by lump sum amount can have only prospective effect i.e. from 28.6.93 and onwards if it seeks to reduce the earlier incentive. The other question that needs to be settled is as to the date of acquiring higher qualification namely, the successful completion of the Intermediate examination of the ICWA Institute. We had enquired of the learned standing counsel as to whether there is any amendment to the circulars of 1972 and 1973 referred by Shri Kulkarni and also to indicate what has been the practice followed by the department in such matters prior to the financial year 1993-94. Even though sufficient time was given to the department, the respondents have not been able to produce any material to rebut the stand of Shri Kulkarni.

We, therefore, hold that the practice followed by the department in such matter is as stated by Shri Kulkarni. This means that the incentive available for passing of any such examination is to be extended from the date following the date of completion of last paper in case the official comes out successful on declaration of results. The last date of examination by which the applicant qualified for the Intermediate examination is admittedly 21.6.93 and the Department of Personnel's OM was issued only subsequently on 28.6.93 and the applicant will be entitled to grant of two advance increments as per the earlier instructions dated 3.8.89 referred to supra with effect from 22.6.93.

7. In view of the foregoing discussion and the facts and circumstances of the case, we quash the letter dated 6.11.93 as at Annexure A-3 and 18.11.93 as at Annexure A-4 and direct the respondents to extend the benefit as contained in the Department of Telecommunication circular letter No. 33-17/88-SEA dated the 3rd August 1989. The applicant would be entitled to whatever benefits flows from that circular with effect from 22.6.93. The department is further directed to complete this exercise within three months from the date of receipt of a copy of this <sup>order</sup> letter. No costs. <sup>by</sup>

Sd-

( A.N. Vujjanaredhya )  
Member (J)

Sd-

( V. Ramakrishnan )  
Member (A)



TRUE COPY

*[Signature]*  
Section Officer 57/9  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 11 JAN 1995

Miscellaneous APPLICATION NO: 4/95 in CANo. 390 of 94.

APPLICANTS:- Smt. C. G. Revathi  
V/S.

RESPONDENTS:- Secretary, M/o Communications, New Delhi  
and Others.

T.

- ① Sri. M. Vasudara Rao,  
Add. C. G. S. C.,  
High Court Bldg,  
BANGALORE-1.
- ② Sri. P. A. Kulkarni,  
Advocate, NO. 47,  
2nd floor Poojith Block,  
57th-A-Cross,  
Rajajinagar, BANGALORE-10

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

--xx--

Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above  
mentioned application(s) on 04-01-95

Issued on

11/01/95

*[Signature]*

*[Signature]*  
/c

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

MA 4195

Application No. 390 of 1994.

Smt C.G. Revathi vs. Secretary, M/o Communications, N Delhi & Ors.

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
		<p>R.</p> <p>VR(MA) / ANR(MJ) 4.1.95</p> <p>Heard.</p> <p>MA 4/95 seeking extension of time is allowed and the time is extended by a further period of two months from 3.1.95.</p>

Sd/-

Sd/-

m(J)

m(CA)



TRUE COPY

*[Signature]*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore



CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 030.

Dated: 21 MAR 1995

Misc. Application No. 122 of 1995 in

APPLICATION NO. 390 of 1994.

APPLICANTS: Smt. C. G. Revathi,

V/S.

RESPONDENTS: Secretary, M/o. Communications,  
New Delhi and Others.,

To

1. Sri. M. Vasudeva Rao,  
Addl. C. G. S. C.  
High Court Bldg,  
Bangalore-560 001.
2. Sri. P. A. Kulkarni, Advocate,  
No. 47, Second Floor,  
Fourth Block, 57-A-Cross,  
Rajajinagar, Bangalore-10.

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

---xxx---

Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 10-03-1995.

Issued on  
21/03/95

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Date

Office Notes

Orders of Tribunal

VR(MA)/ANV(MJ)  
10.3.95.

M.A. 122/95 is disposed  
of by granting one months  
time from 3.3.95 to  
comply with the directions  
of this Tribunal finally.

Sd-

Sd-

M(J)

M(A)



TRUE COPY

*[Signature]*  
21/3/95

Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 036.

Miscellaneous Appln.No.173/1995 in Dated: 4 MAY 1995

APPLICATION NO. 390 of 1994.

APPLICANTS: Smt.C.G.Ravathi,

V/S.

RESPONDENTS: Secretary, Ministry of Communications,  
New Delhi and others.,

To

1. Sri.M.Vasudeva Rao, Additional Central Government  
Standing Counsel, High Court Building, Bangalore-1.
2. Sri.P.A.Kulkarni, Advocate, No;48, Second Floor,  
Fourth Block, 57-A-Cross, Rajajinagar, Bangalore-10.

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

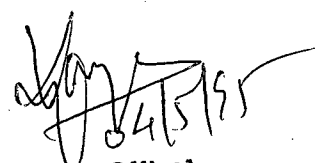

---xxx---

Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 19-04-1995.

Issued on  
4/5/95

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Smt. C.G. Rawat vs. Secy. M/o. Communications, New Delhi  
OA 390/90

Date	Office Notes	Orders of Tribunal
		<p>Orders on MA 173/95</p> <p>VR (MA) / ANV (MS) 19/4/95.</p> <p>Heard.</p> <p>MA 173/95 does not deserve any further consideration as respondents have already been granted sufficient time. Hence, MA 173/95 is rejected.</p> <p>Sd/- M(J)</p> <p>Sd/- M(A)</p> <p><b>TRUE COPY</b></p> <p> Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p> <p></p>