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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 251/93

DATE OF JUDGEMENT: 31.3.1993 1993

Between

Preetam Singh .. Applicant

and

1. Financial and Chief Accounts Officer,
South Eastern Railway, Gander Ranch

2. General Manager
South Eastern Railway
CALCUTTA

3. Chairman,
Railway Board
NEW DELHI

.. Respondents

Counsel for the Applicant : Mr S.Ramakrishna Rao

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

JUDGEMENT

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to sanction the balance 2 increments which the applicant had drawn earlier in the first spell of service in the cadre of Stock Verifier for the period from 24.2.88 to 30.6.89, till his retirement and pass such other orders as may deem fit and proper in the circumstances of the case.

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2. The facts giving rise to this OA in brief, may be stated as follows:

3. The applicant was originally appointed as Clerk Grade I in the office of the respondents. Subsequently, he was appointed as Stock Verifier. The applicant was given 2 increments when he joined as Stock verifier and 2 after passing Appendix IV examination. Thus the applicant had earned 4 increments and continued to enjoy the same upto 1.5.79. On health grounds, the applicant got relieved from the post of Stock verifier and joined as Clerk Grade I and as a consequence, 4 increments were withdrawn from the date he was relieved from the Stock Verification Branch. After 8 to 9 years, the applicant joined as Stock Verifier with effect from 24.2.88 and continued in the same post till his date of retirement (on) 30.6.1989 (A/N).

According to the applicant, he is entitled for the said 4 increments which he had drawn as Stock Verifier during the period prior to 1.5.79. The applicant made a representation on 13.4.90 to the first respondent requesting him to restore the 4 increments which he was hitherto drawing. The first respondent had considered the request of the applicant partially, and restored only two increments instead of 4 increments for which the applicant was entitled for having passed the Appendix IV examination and denied the other two increments given to the applicant at the time he was working as Stock verifier prior to 1.5.79. So, the present OA is filed for a direction to the respondents to restore the ~~named~~ two increments which the applicant was drawing during the first spell of service as Stock Verifier, in the later period i.e. from 24.2.88 to 30.6.89 and for certain other relief(s) as indicated above.

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4. We have heard Mr S.Ramakrishna Rao, Counsel for the applicant, and Mr NR Devraj, Standing counsel for the respondents, at admission stage of this OA. After hearing both sides, as this matter can be disposed of at the admission stage itself, we proceed to dispose of this OA accordingly.

5. Even though the applicant claims 2 additional increments which the applicant was drawing at the time 1.5.79, we do not see any substance in the said claim of the applicant. The applicant, after getting reverted himself from the post of Stock Verifier to that of Clerk Grade I the benefit of all the increments which he was enjoying in the post of stock verifier were withdrawn by the respondents. After the applicant became once again as Stock Verifier in the year 1988, the applicant certainly will not be entitled to the benefit of the normal (additional) 2 increments which the applicant was drawing prior to 1.5.79 as Stock verifier. So, the prayer of the applicant to sanction 2 increments which the applicant was drawing as stock verifier prior to 1.5.79, after becoming stock verifier in the year 1988 is liable to be rejected and is accordingly rejected.

6. For passing Appendix IV examination at the time of joining as Stock Verifier the applicant, as already pointed out, was given 2 advance increments. The applicant has enjoyed the benefit of the said two increments till he got in the year 1979 reverted back to the cadre of Clerk Grade I from the post of stock verifier. As per the Railway Board letter No. PC-IV/87/Inp/7 dt. 3.3.89 addressed to all GMs of Indian Railways, it has been decided that stock verifiers in the Grade of Rs. 1400-2600/- shall be given 3 advance increments after their passing appendix-4 examination, and that the said instructions will come

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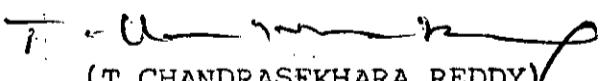
into force with effect from 1.1.1986 or the date, from which the employee opted for revised pay scales. The claim of the applicant is, that he is entitled for 3 advance increments in the post of stock verifier w.e.f. 24.2.86 as he had passed the required Appendix-IV examination prior to 1.1.1986. But, according to the respondents, the benefit of advance three increments were admissible only to those persons who had passed the said Appendix-IV examination after 1.1.86 and working as Stock Verifier, and that the persons who had passed Appendix-IV examination prior to 1.1.86 and working as Stock Verifiers are entitled for only 2 advance increments and not for three advance increments.

7. We are unable to understand how there can be distinction in the matter of granting advance increments with regard to those who passed the said examination prior to 1.1.86 and those who have passed the examination after 1.1.86. Qualifications prescribed for the job of Stock-Verifier and nature and conditions of work ~~also~~ are the same. So, as the stock verifiers who passed Appendix-IV examination prior to 1.1.86 and after 1.1.86 are placed in similar position carrying out identical duties with same measure of responsibility and academic qualifications, we are unable to understand why there should be disparity in the matter of sanctioning advance increments with regard to the personnel passing of the required Appendix-IV examination prior to 1.1.86 and after 1.1.86 working in the post of Stock verifiers. In our opinion, not extending the benefit of three advance increments to those stock verifiers who passed the Appendix-IV examination prior to 1.1.86 but extending only to those who passed the said examination after 1.1.86 amounts to discrimination and is violative of Articles 14 and 16 of the Constitution

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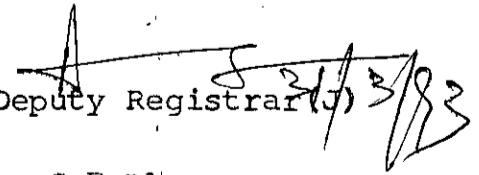
of India. So, in our opinion, the applicant herein also, who has passed the said examination prior to 1.1.86 but appointed to the post of Stock Verifier after 1.1.86 is entitled for the advance three increments on par with the stock verifiers who have ~~not~~ passed the said examination after 1.1.86. Hence, a direction is liable to be given to the respondents accordingly.

8. In the result, we hereby direct the respondents to sanction one more advance increment notionally to the applicant herein w.e.f. 24.2.88 for having passed the Appendix IV examination with all consequential benefits (notionally) and re-fix the pension of the applicant w.e.f. 1.7.89 notionally in accordance with rules and regulations, as 30.6.89 is the date of retirement of the applicant. As the applicant has approached this Tribunal only after a delay of more than 2 years, due to the delay on the part of the applicant in approaching this Tribunal, we direct the respondents to pay the difference of pension that is liable to be paid to the applicant w.e.f. 10.3.93 only, which is the date of filing of this OA. OA is disposed of according with the above said directions, leaving the parties to bear their own costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 31-3-1993

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Deputy Registrar (J) 3/83

To

1. The Financial and Chief Accounts Officer, S.E.Rly, Garden Reach, Calcutta-43.
2. The General Manager, S.E.Rly, Calcutta.
3. The Chairman, Railway Board, New Delhi.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Deputy Registrar (J)CAT.Hyd.
7. Copy to All Reporters as per standard list of CAT.Hyd.
8. One spare copy

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TYPED BY *8/25* COMPARED BY
CHECKED BY *8/25* APPROVED BY
(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.K.BALASUBRAMANIAN :
MEMBER(ADMN)

AND

THE HON'BLE MR.T.CHANDRASEKHAR
REDDY : MEMBER(JUL)

DATED: 31-3-1993

ORDER/JUDGMENT

R.P./ C.P/M.A.No.

in

O.A.No. 257/93

T.A.No.

(W.P.No)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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