

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD
O.A.NO.721 of 1994.

Between

Dated: 27.7.1995.

T. Srinivasa Rao

...

Applicant

And

1. The Union of India represented by the
(N), Railway Board, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Chief Personnel Officer, Headquarters Office, Personnel Branch,
South Central Railway, Railnilayam, Secunderabad.
4. The Chief Workshop Manager, Loco Carriage Workshop, South Central
Railway, Lallaguda, Secunderabad.

...

Respondents

Counsel for the Applicant

: Sri. J. Prabhakar

and Sri. D. Francis Paul. Sc for Rlys.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

53

O.A.No.721/94

Date of Order: 27.7.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

+ + +

The applicant joined the Railways in 1962 and while working as Group 'C' employee passed final examination of B.Tech. on 4.1.89. The relief claimed by the applicant is for a direction to the respondents to give him 4 additional increments from the date ~~the~~ applicant passed B.Tech. examination.

2. There was an incentive scheme which was in operation upto 30.6.88. But later on, a new incentive scheme was introduced w.e.f. 29.5.89 according to which for passing Part II or 'B' or Final examination of A.M.I.E. 4 additional increments should be given to Group 'C' employee. When the modified scheme was introduced in 1989 a reference was made to the old scheme dated 14.5.66 and it was stated that the old scheme would continue as modified.

3. The respondents are of the view that the old scheme ^{ceased to} ~~seized~~ ^{exist since} ~~to be in~~ ^{instructions} w.e.f. 1.7.88 and that the new scheme came into operation only w.e.f. 29.5.89. In the counter affidavit it was contended that as the applicant passed B.Tech. on 4.1.89, i.e., during the period between 1.7.88 and 28.5.89, the applicant is not entitled to the incentive scheme introduced w.e.f. 29.5.89.

4. Similarly situated employees approached the Madras Bench of the Tribunal in OA.1013/90 on the file

h

.. 4..:

Copy to:-

1. The Joint Director, Establishment(N), Union of India, Railway Board, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Chief Personnel Officer, Headquarters Office, Personnel Branch, South Central Railway, Railnilayam, Secunderabad.
4. The Chief Workshop Manager, Secunderabad.
5. One copy to Sri. J.Prabhakar rao, advocate, H.No.1-8-700/16, Padma colony, Nallakunta, Hyd.
6. One copy to Sri. D.F.Paul, SC for Rlys, CAT? Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

56

...3..

of the said Bench. The said OA was allowed with a direction to the respondents to grant increments to the applicants in accordance with the new scheme that was introduced on 29.5.89. In coming to that conclusion the Madras Bench found that the Railway Board's instructions dated 29.5.89 merely modified the earlier scheme that was introduced in 1966. Accordingly it was held that the new scheme would have to be applied even to those who acquired the necessary qualification on or after 1.7.88.

5. A similar view was taken in OA.65/93 on the file of this Bench of the Tribunal. It was observed there in the letter dated 29.5.89, we have come to the conclusion that it implicitly states modification with reference to the enhancement of advance increments is from 1.7.88 and not from 29.5.89".

6. Having heard learned counsel for both the parties and having perused the material before me, I find that the applicant before me is similarly situated as ^{there} thus, in the afore-stated OAs. Accordingly the applicant will be entitled to similar benefit.

7. In the result, the OA is allowed with a direction to the respondents to give the applicant the benefit of the scheme introduced by the Railway Board vide its letter dated 29.5.89.

8. O.A. is ordered with no order as to costs.

A.B. Gorthi
(A.B. GORTHI)
Member (Admn.)

Dated: 27th July, 1995

(Dictated in Open Court)

sd

Amal
24. Registration (3)

contd

In the C.A.T. Hyd Bench
at Hyd.

Hon Mr. A.B. Ghorai, Am.

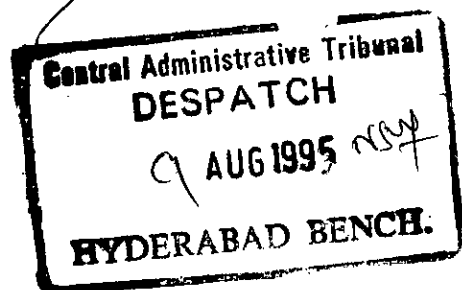
Judgement dt. 27/7/95

in

OA. 721/94

O.A. Allowed. No order
as to costs.

No Spare Copy



✓

20