

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.5/95

Date of order: 31/3/2000

K.C.Mishra, S/o late Shri Bhole Nath Misra, Asstt. Elec.
Engineer(M&P)(Retd), Northern Rly, C/o Shri D.S.Saxena,
Plot No.1, Hasanpura, Shanti Nagar, Jaipur.

...Applicant.

Vs.

1. Union of India through the Chairman, Railways Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Rly, New Delhi.
3. General Manager (Personnel) Northern Rly, New Delhi.
4. Financial Advisor & Chief Accounts Officer, Northern Rly, Baroda House, New Delhi.

...Respondents.

Applicant present in person.

Mr.E.S.Mathur - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash the order dated 23.5.94 and to direct the respondents to provide all benefits including salary, incentive and advance increments to the applicant which he acquired due to his higher qualification and to pay interest on arrears.

2. In brief the grievance of the applicant is that he acquired higher technical qualifications, therefore, he is entitled to advance increments in terms of Railway Board's letter No.F(TRG) 89/28/29 dated 4.5.90 and 12.10.90. It is stated that the applicant made representation vide letter dated 29.10.91 but he was not given incentive. The applicant again made representation in Nov.92 regarding salary for the month of May 91 but with no result. He filed O.A No.342/93 which was disposed of with the directions to the respondents that the representation submitted by the applicant be decided within a period of two months from the date of the receipt of copy of the representation. It is stated that in pursuance of the direction, the applicant made representation and on the said representation the respondents issued the impugned order dated 23.5.94 which is under challenge. It is stated that because of acquiring higher qualification, the applicant was entitled to 4 advance increments which should have been treated/regulated separately. Therefore, the impugned order dated 23.5.94 is altogether illegal and void. The applicant, therefore, filed

this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated by the respondents that the applicant was granted the benefit of 4 advance increments on the basis of the Railway Board's letter dated 4.5.90 on acquiring higher qualification but the payment of the advance increments was not given to the applicant on the ground that he had been on leave w.e.f. 16.4.90 to 21.1.91 and pay on the enhanced rate can be drawn only from the date of resumption on duty. It is also stated that the applicant was entitled to stagnation increment only after two years i.e. on 1.12.92. It is also stated that the applicant is retired on 31.8.92. Therefore, the applicant is not entitled to any relief sought for.

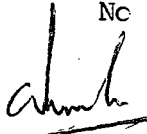
4. Rejoinder has also been filed, which is on record.

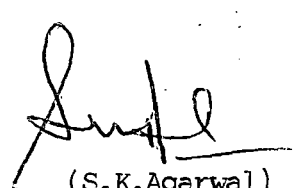
5. Heard the applicant and the learned counsel for the respondents and also perused the whole record.

6. It is not disputed that the applicant was granted 4 advance increments vide Railway Board's letter dated 13.1.92 in terms of Rly.Board's letter dated 4.5.90 but no payment was made to the applicant on the basis of the remarks made by the Accounts Officer that the applicant was on leave w.e.f. 16.4.90 to 21.1.91 treating it a case of normal grade increment. It is pertinent to mention here that the annual increment is given to the employee on completion of one year's satisfactory service, as per scale of pay but the advance increments is allowed to an employee on acquiring certain qualifications which in other words is an incentive to the employee. Therefore, normal rule of allowing annual increment is not applicable in case of advance increments. We are, therefore, of the considered view that the applicant is entitled to payment of 4 advance increments sanctioned to him vide Railway Board's letter dated 13.1.92.

7. We, therefore, allow this O.A and quash the order dated 23.5.94 and direct the respondents to pay salary to the applicant in pursuance of Railway Board's letter No.727-1/1050/Fia dated 13.1.92 with interest @ 12% per annum with all consequential benefits, within a period of 3 months from the date of receipt of a copy of this order.

8. No order as to costs.


(N.P. Newani)
Member (A).


(S.K. Agarwal)
Member (J).