

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 23 of 2003

Jabalpur, this the 8<sup>th</sup> day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

R.K. Shrivastava, S/o. Shri  
B.P. Shrivastava, Asstt. General  
Manager, Telecom Factory, Richhai,  
Jabalpur. ... Applicant

(By Advocate - Shri Manoj Chandurkar)

V e r s u s

Union of India, through

1. Secretary, Deptt. of Telecommunications,  
Sanchar Bhavan, 20, Ashoka Road,  
New Delhi 110001.
2. The Chief General Manager,  
Telecom Factory, Wright Town,  
Jabalpur, Pin-482 002. ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has sought relief for direction to the respondents to grant two advance increments w.e.f. 1.5.1990 in the pay scale on that date and further direct them to correct the pay fixation of the applicant accordingly.

2. The brief facts of the case are that the applicant was appointed as Technical Assistant (Trainee) on 30.3.1968 in the office of the Manager, Telegraph Workshop, Jabalpur under the Post & Telegraphs Department, Government of India. On completion of six months training the applicant was appointed as Technical Assistant in the scale of pay of Rs. 210-380/- on 30.9.1968. The P&T Board vide memo dated 2.8.1968 provided three advance increments to those who acquired a degree in Engineering or equivalent. The applicant had acquired degree in Mechanical

Engineering Branch, while he was in service on 4.8.1973. Accordingly, the respondents granted the applicant three advance increments with effect from 4.8.1973, denying the normal annual increment due on 30.09.1973, vide order dated 19.9.1973, on his acquiring the qualification equivalent to a degree in Engineering. Further the advance increments were reduced from three to two w.e.f. 30.9.1973 because of which the pay fixation of the applicant could not be made proper. The applicant made representation in this regard. In the meantime the Government revised the pay scales of Central Government servants w.e.f. 1.1.1973 based on the recommendations of the IIIrd Pay Commission. Accordingly, the Management fixed the applicant in the revised pay scale of Rs. 425-700/- and allowed three advance increments w.e.f. 4.8.1973 but denied the normal annual increment. Vide order of the DGP&T dated 14.1.1975 it was clarified that the next dates of increment were to be the anniversary dates of normal increment. Accordingly, the arrears claim of pay due to normal increments was prepared by the office of the Manager, Telecom Factory, Jabalpur. The DGP&T in the meantime issued order dated 4.1.1975 withdrawing the provision of advance increments in respect of those officials who had acquired a Degree in Engineering between 1.1.1973 to 30.11.1973. The claim of arrears of pay after grant of advance increments, was therefore, not allowed to the applicant as pre-check unit objected to it on the ground that provision of advance increments in respect of those officials who had acquired a degree in Engineering between 1.1.1973 to 30.11.1973 was withdrawn by the Government. In the light of the above position, the pay fixation of the applicant was required to be corrected by the Management by withdrawing the advance increment as granted vide order dated 19.9.1973, but the respondents had not given any attention in this regard and did not



settle the matter and referred it to higher authorities vide letter dated 25th January, 1976. The respondents reintroduced the incentive for acquiring higher qualification vide order dated 11.7.1990, whereby it was decided to grant two advance increments in the respective grade to those who acquired a degree in Engineering, while in service. The said benefit was to be given with effect from 1.5.1990 in the scale of pay of the post which they hold on this date. This order dated 11.7.1990 has been made applicable upon to the Telecom Factory organisation in the year 1996. The Telecom Factory organisation has acted upon in accordance with the above said order and granted two advance increment to the officials vide order dated 4th April, 1996. The name of the applicant for granting two advance increment has not been considered by the respondents. He made representations to the respondents which was duly acknowledged and the respondents had not given any attention towards the representations of the applicant. Aggrieved by this the applicant has approached this Tribunal by filing this OA and claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the applicant argued that the applicant acquired degree of Engineering or equivalent in Mechanical Engineering branch on 4.8.1973, while in service. Accordingly, the office of the Manager, Telecom Factory, Jabalpur vide order dated 19.9.1973 granted 3 advance increments w.e.f. 4.8.1973 in the scale of pay of Rs. 210-380/-, which was introduced by the respondents vide order dated 2.8.1968 for granting three advance increments to those who acquired a degree in Engineering or equivalent. The applicant was denied the normal annual increment




which was due on 30.9.1973. Later the advance increments were reduced from three to two w.e.f. 30.9.1973 because of which the pay fixation of the applicant could not be made proper. The applicant represented to the higher authorities but to no effect. This scheme was withdrawn later by the Government and a new scheme was introduced for acquiring a degree in Engineering, while in service, and it was decided to grant two advance increments in the respective grade to those officials who acquired the Engineering degree. The name of the applicant was not considered for granting this scheme. But inspite of several representations the respondents did not grant the said benefit to the applicant, while it was granted to other employees.

5. The learned counsel for the respondents argued that as per earlier instructions the applicant was granted three advance increments in the scale of pay of Rs. 210-380/- and accordingly his pay was fixed at Rs. 280/- on 4.8.73, i.e. by which his pay was raised from Rs. 250/- p.m. to Rs. 280/-. Then subsequently the DGP&T withdrew the scheme of granting advance increments in respect of those officials who acquired degree in engineering or equivalent examination during the period from 1.1.1973 to 30.11.73. This was effective in the case of the applicant also as he acquired the specified qualification after entry into the service i.e. on 4.8.1973. However, the service record of the applicant shows that the benefit was not withdrawn in his case and he continuously enjoyed the benefit of higher pay with three advance increments. The benefits under the newly introduced scheme was made applicable to all eligible officers to whom the benefit had not been given earlier. However, the applicant was not granted the benefit under the new scheme as he had earlier enjoyed the benefit of three advance increments under earlier orders. It is further

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argued on behalf of the respondents that the applicant was granted three advance increments in 1973 and it was not reduced to two as alleged by the applicant. The next increment due after grant of advance increments was shifted to next anniversary date instead of original date. However, on finding the mistake, it was restored back to normal date i.e. on 1.9.1973 and the consequential monetary benefits were claimed and offered to him, but he refused to accept the same. Hence the applicant is not entitled to the relief as claimed in this OA and the OA is liable to be dismissed.

6. We have careful consideration to the rival contentions made on behalf of the parties and we find that the applicant was granted three advance increments under the earlier scheme for acquiring higher qualification in Engineering or equivalent, while in service. But the benefits under the newly introduced scheme was not given to those <sup>employees</sup> who had been given the benefit of the earlier scheme i.e. the <sup>employees</sup> scheme dated 2.8.1968. We also find <sup>is</sup> that the argument advanced on behalf of the respondents <sup>is</sup> that the applicant was granted the three advance increments in year 1973 and it was not reduced to two as alleged by the applicant. The next increment due after grant of advance increments was shifted to next anniversary date instead of original date. However, on finding the mistake, it was restored back to normal date i.e. on 1.9.1973 and the consequential monetary benefits were claimed and offered to the applicant, but the applicant refused to accept the same. This argument of the respondents seems to be legally correct. We further find that the benefits granted to the applicant of the earlier scheme was not withdrawn in his case and he continuously enjoyed the same.



7. Accordingly, we are of the considered opinion that the reliefs claimed by the applicant in this Original Application cannot be granted. Hence the Original Application is dismissed as having no merit. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठान्त में ओ/व्या..... ज. लक्ष्म, वि.....  
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