

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 605 of 2003

Jabalpur, this the 16th day of September, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K.Bhatnagar, Judicial Member

1. C.S. Chouhan,
Agad about 49 years,
S/o Late S.L. Chouhan,
Working as Sr. Accountant
O/o. The Deputy Director of Accounts
(Postal), Bhopal
R/o H.No. C-304, Ashoka Enclave,
Raisen Road, Bhopal and 17 others.

APPLICANTS

(By Advocate - Shri S.K.Nagpal)

VERSUS

1. Union of India,
Through The Secretary,
Ministry of Communication,
Department of Post, Dak Bhawan,
Sansad Marg, New Delhi.
2. The Secretary, Ministry of Finance
(Department of Expenditure) Central
Secretariat, North Block, New Delhi.
3. The Director General, Department of
Post Dak Bhawan, Sansad Marg,
New Delhi.
4. The Chief Postmaster General, MP
Circle, Dak Bhawan, Bhopal.
5. The Director of Accounts (Postal)
GTB Complex, IT Nagar
Bhopal-462003

RESPONDENTS

(By Advocate - Shri K.N.Pethia)

O R D E R (ORAL)

By M.P.Singh, Vice Chairman -

The applicants, 18 in number, have filed this
OA claiming the following main reliefs :-

"i) to grant four advance increment between the
period from 1.1.1973 till the year 1981 as admissible
under the original scheme on passing of departmental
examination to the applicants and re-fix the pay of
the applicants after taking into account the four
advance increments granted.

ii) to pay arrears and other consequential
benefits on such re-fixation."

2. The brief facts of case are that the applicants were initially appointed as Clerk Typist in the erstwhile office of the Deputy Director of Audit and Accounts, Posts and Telegraph, Bhopal. Subsequently they have been promoted as Senior Accountants. under the Deputy Director of Accounts (Postal) Bhopal. Originally there was a scheme for grant of four advance increments to Lower Division Clerks on passing the departmental examination for promotion to the post of Upper Division Clerk. This scheme has the approval of the Comptroller and Auditor General of India. The said posts of Lower Division Clerks/Upper Division Clerks were later re-designated in the Organised Accounts as Junior Accountants/Senior Accountants respectively. According to the scheme four advance increments were being granted to them on passing the departmental examination. However, the scheme for grant of four advance increments on passing departmental examination was discontinued on the ground that the Third pay commission had recommended for discontinuance of the same. Since the applicants have not been granted four advance increments. aggrieved by this, The applicants have filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties at great length.

4. The learned counsel for the applicants has stated that (OA No.821/97 passed on 24.9.2002) in a similar case, the Kolkata Bench of this Tribunal have granted the four advance increments to the ~~personal~~ applicants in that OA. The order of the Kolkata Bench of this Tribunal ^{has been} upheld by the Hon'ble Supreme Court ^{to him} therefor, this benefit can be extended ^{to him} ~~them~~ even if there is ^a delay in

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approaching the Tribunal in the present case. In support of his claim he has relied upon a judgment of Kolkata Bench of this Tribunal in the case of Gopan Chakraborty and Others Vs. Union of India passed in OA No. 570/94 on 3.4.2001, Swamy News 66/2002

4. On the other hand, the learned counsel for the respondents has stated that the similar issue has been considered by the Madras Bench of this Tribunal in OA No.76/03 and vide order dated 20.10.2003 has dismissed the application. The Madras Bench of this Tribunal in the aforesaid OA, has considered the order of Calcutta Bench of this Tribunal (in TA No.148/88) and the judgment of Hon'ble Supreme Court and thereafter dismissed the application which is not in dispute. The learned counsel for the respondents further stated that the present OA is covered on all fours by the order dated 20.10.2003 in OA No.76/03 in the case of G.Santhanam and 74 Others Vs. UOI. The Madras Bench of this Tribunal in the aforesaid order has held as under :-

"19. Following the law laid down in the aforementioned cases by the Hon'ble Supreme Court, we do not find any justification to disturb the service position of the applicants. In view of the findings recorded here in above, the present OA is bereft of any merits and accordingly the same is dismissed. There shall be no order as to costs.

5. We are respectfully in agreement with the judgment of Madras Bench of this Tribunal. Accordingly, the judgment of Madras Bench shall mutatis mutandis applicable in the present case also. Hence, the OA is dismissed. No costs.

(A.K.Bhatnagar)
Judicial Member

(M.P.Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पुलिलिपि अचो धित :-

skm

- (1) सचिव, उच्च न्यायालय बाह एडमिनिस्ट्रेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/बटु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/बटु.....के काउंसल
- (4) बंधुपाल, को.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

SK Nayyar
KN Pethia

Issued
on 10.11.04
BS

सूचना एवं आवश्यक कार्यवाही हेतु