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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH,  
CHANDIGARH.**

O.A.No. ~~067~~00005/2014

Date of Decision : 9.12.2014

Reserved on: 03.12.2014

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER  
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Hukam Chand, retired Senior Telegraph Master, Telegraph Office,  
Ferozepur Cantt., son of Sh. Gobind Ram, resident of Quarter No.10, Sethi  
Ice Factory, Ferozepur Cantt.

Applicant

Versus

1. Bharat Sanchar Nigam Limited through its Chairman and Managing Director, 20-Ashoka Road, New Delhi.
2. The Chief General Manager Telecom, Punjab Circle, Sector 34/A, Chandigarh.
3. The General Manager, Telecom, Ferozepur.

Respondents

Present: Mr. P.K. Bansal, counsel for the applicant  
Mr. Rajesh Gupta, counsel for the respondents

**ORDER**

**HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)**

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"8 (ii) the applicant be granted the benefit of one increment w.e.f. 30.09.2004 and his pay and allowances be revised and paid after considering the one increment. Also his retiral benefits be revised and paid after considering the one increment.

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- (iii) the applicant be awarded interest at the rate of 18% per annum from the date when the increased pay was due till its actual payment. Also the applicant be awarded the interest at the rate of 18% be awarded on all the retiral benefits from the day these become due till its actual payment.”

2. Averment has been made in the OA that the applicant who was a regular and confirmed employee of the respondent BSNL retired from service on 30.09.2005 on reaching the age of superannuation, while posted as Senior Telegraph Master which is a BCR Group – III post. Instructions were issued vide BSNL, Corporate Office, New Delhi letter No.27-8/2003-TE-II(I) dated 18.11.2003 which were endorsed to office of Chief General Manager, Punjab Circle, at Chandigarh and to all other officers vide no.Estt./PB/OTBP/BCR/2003 dated 27.11.2003 that one extra increment in BCR Grade III to non executive staff of BSNL covered under OTBP / BCR Scheme is admissible one year prior to retirement (Annexure A-1). Since the applicant retired from service on 30.09.2005, extra increment in his pay scale was admissible to him w.e.f. 30.09.2004 but the same had not been granted to him despite representations.

3. The applicant filed Civil Suit before the Civil Court at the Ferozepur on 01.09.2006 regarding his claim as the CAT did not have jurisdiction to consider the matter of employees of BSNL at that time (Annexure A-3). The Civil Court vide order dated 17.10.2013 returned the plaint under Order 7 Rule 10 CPC and further directed the applicant to appear before the Bench on 06.01.2014 (Annexure A-4).

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4. In the grounds for relief, it has been stated that as per the instructions / rules of the respondents (Annexure A-1), all employees of BCR Grade III, non executive staff of BSNL who are covered under OTBP / BCR Scheme shall be given one extra increment one year prior to retirement. Therefore, the applicant is entitled to the benefit of one extra increment from 30.09.2004 (i.e. one year before the date of retirement of applicant). The case of the applicant is squarely covered by the instructions / rules (Annexure A-1) issued by the respondents. Hence this O.A.

5. In the written statement filed on behalf of the respondents, it has been stated that the applicant retired from service on 30.09.2005 while posted as Senior Telegraph Master. At that time he was drawing pay at the maximum of the scale i.e. @ Rs.10100+200, 1<sup>st</sup> Stagnation Increment in the BCR Grade III Scale of Rs.7100-200-10100 at the time of his retirement, which is a BCR Grade III post. The grant of one extra increment in BCR Grade III one year prior to retirement is not admissible to the applicant as per instructions (Annexure A-1) as the applicant had already reached maximum of his pay scale and was drawing one stagnation increment as per Annexure A-1.

6. At the hearing on 14.11.2014, learned counsel for the respondents placed on record a copy of the communication of Department

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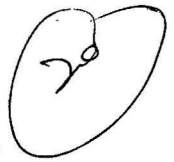
of Telecommunications, Ministry of Communication & IT (Pension T Section) dated 04.11.2011 addressed to C.M.D. BSNL regarding grant of extra increment to BCR Gr.III officials of BSNL who had reached maximum of the scale or were drawing stagnation increment, one year prior to their retirement. Counsel for the applicant sought time to study this letter and respond.

7. Arguments advanced by the learned counsel for the parties have been heard. Learned counsel for the applicant stated that the letter dated 04.11.2011 could not be applicable in the case of the applicant since he had retired in 2005. The applicant was entitled to extra increment in BCR Grade III as per letter dated 18.11.2003 (Annexure A-1) and the subsequent communication of 04.11.2011 could not override his claim.

8. Learned counsel for the respondents stated that in view of the clarificatory letter dated 04.11.2011, the applicant had no case.

9. We have given our thoughtful consideration to the matter. Since the decision of Government of India has been conveyed to the CMD, BSNL vide letter dated 04.11.2011 that the proposal regarding grant of one extra increment to BCR Grade III officials of BSNL who had reached maximum of the scale or were drawing stagnation increment one year prior to their retirement if they were unable to be promoted to BCR Grade-IV and reckoning the extra increment towards calculation of pension and

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other pensionary benefits has not been agreed to, the claim of the applicant which essentially relates to a policy decision regarding applicability of the BCR Scheme is without merit. The OA is rejected. No costs.

**(RAJWANT SANDHU)**  
**ADMINISTRATIVE MEMBER.**

**(DR. BRAHM A. AGRAWAL)**  
**JUDICIAL MEMBER**

Place: Chandigarh  
Dated: 9/12/2014

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