

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 09.05.2019

Reserved on : 02.05.2019

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

OA No. 063/00031/2018

Karam Chand, Aged 68 years, S/o Sh. Padho Ram, Retired Senior Telecom Office Assistant (G), O/o General Manager Telecom District, BSNL Dharamshala, presently resident of Village and Post Office Nanderh, Tehsil and District Kangra, Himachal Pradesh.

...Applicant

BY ADVOCATE: **SH. R.K. SHARMA**

Versus

1. Bharat Sanchar Nigam Limited, Corporated Office, 4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110 001, through its Chairman-cum-Managing Director.
2. Chief General Manager Telecom, Bharat Sanchar Nigam Limited, Himachal Pradesh Telecom Circle, Block No. 11, SDA Complex, Kasumpti, Shimla-171 009.
3. General Manager, Telecom District Bharat Sanchar Nigam Limited, Dharamshala, Himachal Pradesh-176215.

.....Respondents

BY ADVOCATE: **SH. G.C. BABBAR**

ORDER

BY MRS. P. GOPINATH, MEMBER(A):-

1. The applicant in this OA challenges the fixation of his pay on the ground of OTBP benefit. Applicant's grievance is that on the grant of benefit, his pay should have been fixed under FR 22(C) which provides for grant of two increments.

2. Applicant joined service as a Clerk in Beas Construction Board in the scale of Rs. 110-250. In the year 1988, he was

declared surplus and re-deployed with the Department of Telecom and subsequently absorbed in BSNL w.e.f. 01.10.2000. Applicant retired on superannuation on 30.06.2009. On re-deployment, applicant was given pay scale of Rs. 330-480 which was subsequently revised to Rs. 1200-1800 in 1986. Under the OTBP Scheme, he was granted the scale of Rs. 1400-2300 w.e.f. 04.05.1989 which pay scale was revised to Rs. 4500-7000 w.e.f. 01.01.1996. Applicant was granted only one increment while his pay was fixed on the grant of OTBP on 04.05.1989.

3. Respondents in the reply statement submit that the pay of the applicant was refixed on 18.11.2014 we.f. 04.05.1989 and two increments instead of one were granted inadvertently. This was corrected through corrigendum dated 25.01.2016.

4. The respondents admit that the applicant is entitled to the benefit allowed under FR 22(C) which is reproduced below:-

“F.R.22-C. Notwithstanding anything contained in these Rules, where a Government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.”

5. The Rule 22-C clearly states that pay in the higher post shall be fixed at the **stage next above the notional pay arrived at by increasing the pay in the lower post by one increment.** Here in this case, the applicant was granted one increment in the lower

post as on 04.05.1989 and his pay was fixed at Rs. 2120/- and the stage next above the notional pay of Rs. 2120 so fixed, was Rs. 2180.

5. On 01.01.1989, the applicant was granted his regular annual increment and his pay was fixed at Rs. 2060 which had nothing to do with and was independent of the pay fixation arrived at on account of his being granted OTBP Scale. Hence, only one increment was granted as on 04.05.1989 and the pay of the applicant was fixed at Rs. 2120 and the stage next above the notional pay so fixed after granting one increment in the existing lower scale comes to Rs.2180.

6. In view of the foregoing discussion, we see that the respondents have, wrongly taken into account the regular annual increment of the applicant, as the increment given during his pay fixation after granting him the OTBP scale. The pay of the applicant was to be fixed w.e.f. 04.05.1989 on grant of OTBP, and the increment granted earlier on 01.01.89 was on account of the regular annual increment and cannot be taken into account while fixing the salary in new OTBP scale w.e.f. 04.05.1989. Hence, the next stage of pay fixed after notionally arriving at by giving one increment as on 04.05.1989 is Rs. 2180 which is held to be right and in order.

7. Therefore, this OA succeeds and the applicant is entitled to restoring his pay fixation as per Memo dated 18.11.2014 with all consequential benefits. The relevant exercise be done within thirty

days of receipt of a certified copy of this order. There shall be no order as to costs.

**(P. GOPINATH)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

Dated:
ND*

