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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/00954/2014

Date of Order: 07.09.2015.

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member

S. K. Dakshi & Ors.
Vs.
E. Rly.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. AK Guha, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

This application has been filed seeking the following reliefs:

"8(a) to extend the benefit of annual increment in favour of the applicants as forwarded to other stenographers w.e.f. 1.7.2013 i.e. the date it ought to have been forwarded to the applicants.

(b) to make payment of the arrear amount w.e.f. 1.7.2013 i.e. the actual date of increment.

(c) to call for records of the case.

(d) award cost of the litigation; and/or

(e) pass any order or orders, direction and/or directions which this Learned Tribunal may deem fit and proper in the interest of justice.

(f) Leave may be granted to file this application jointly under Rule 4(5)(a) of CAT (Proce) Rule 1987, having same cause of action also."

2. In the instant O.A. the applicants have claimed that they have been denied annual increment w.e.f. 01.07.2013, whereas some Stenographers have been granted annual increment. They have thus claimed benefit of annual increment w.e.f. 01.07.2013 with arrears.

3. The respondents have submitted as follows:

"Railway Board in RBE No. 103/2008 circulated under CPO's Serial Circular No. 87/2008 in para 10, have clarified that there will be a uniform date of annual increment viz. 1st July of every year. Employees completing 6 months and above in the revised pay and Grade Pay in the revised pay structure as on 1st July will be eligible to be granted the increment. Since the applicants got their promotion on G.P. Rs. 4200/- on 26.03.2013 i.e. higher G. P. than which is

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enjoying on MACP's, they did not complete 6 months in the G. P. Rs. 4200/- Accordingly they are not eligible for granting of increment on 01.07.2013. In absence of clear guideline from Railway Board in this regards, incremental benefit in similarly situated cases have been given to some staff and some were denied. In this context, pertinently such subsequent regular promotion in the higher Grade Pay, followed by benefit under MACP, does involved assumption of duties of the post, and therefore, the matter has been referred to Railway Board which is the rule framing authority to allow such staff to draw increment on 1st July of the year in Basic Pay prior to his promotional Basic Pay. The reply from Railway Board is still pending. On a reference to Railway Board, it is learnt that this specific reference is under examination of DOPT."

4. I have heard learned counsel for both the parties and perused the materials on record.

5. Since the matter seems to be under active consideration of DOPT, the OA is disposed of with a direction upon the respondent authorities to pursue the matter with the DOPT so that a decision is taken expeditiously, preferably within 3 months from the date of communication of this order. However, it goes without saying that the order passed by the DOPT shall govern the entitlements of the present applicant.

5. OA is accordingly disposed of. No costs.

(Bidisha Banerjee)
Member (J)

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