

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/960/2019

Dated: 30/10/2019

Between

P. Ramchander Rao,
S/o Sri Madhava Rao,
Aged 62 years,
Retd. CCI/ Sr. DCM/O/Secunderabad,
R/o. H.No.6-2-94 & 95, Flat No.201,
Vinayaka M.Bs DE Royale Apartments,
New Boiguda,
Secunderabad ó 500 003.

... Applicant

AND

1. Union of India rep. by its
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad ó 500 025,
Telangana State.
2. Senior Divisional Personnel Officer,
South Central Railway,
IV Floor, Sanchalan Bhavan,
Secunderabad Division,
Secunderabad ó 500 025,
Telangana State.

... Respondents

Counsel for the Applicant : Mr. P. Ramchander Rao, P-I-P
Counsel for the Respondents : Mr. S.M. Patnaik, SC for Railways

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant retired as Commercial Inspector in South Central Railway. By the time the recommendations of VI Central Pay Commission were implemented, he was in the pay scale of Rs.5500-9000/-. In the VI CPC, posts with three pay scales, namely Rs.5000-8000/-, Rs.5500-9000/- & Rs.6500-10500/- were merged. The method of fixation of basic pay in the merged posts was provided for under the notification dated 04.09.2008, issued by the Ministry of Railways. According to this, the existing basic pay as on 01.01.2006 of an employee in any of the merged posts shall be multiplied by 1.86. If the figure so arrived at is less than the minimum of the revised pay band, then the pay shall be fixed at the minimum of the revised pay band.

2. The minimum of the pay band of the merged scale, namely Rs. 6500-10500/- was Rs.12090/- . The applicant was drawing the basic pay of Rs.7075/- as on 01.01.2006. On multiplication of that figure with the factor 1.86, it came to Rs.13160/-.

3. The applicant contends that in terms of the notification dated 04.09.2008, he was entitled to be granted an additional increment. He made a representation in this behalf. Through an order dated 11.10.2019, the respondents rejected the same, by stating that the benefit of such increment would be extended to only those employees, whose promotion has taken

place between 01.01.2006 and 27.08.2008 from the feeder grade to a higher grade, which in turn was merged into a single post and since the applicant does not fit into that scheme, he is not entitled to claim the benefit of bunching of increment. The same is challenged in this O.A.

4. We hear Sri P. Ramachander Rao, the applicant who argued in person and Sri S.M. Patnaik, learned Standing Counsel for the respondents.

5. The applicant claims the benefit of an additional increment in terms of the notification dated 04.09.2008. It is true that the notification provides for grant of increment in case an employee in one of the three merged posts got promotion to another post, which in turn is part of the same bunched group. This is a compensatory measure. It is not the case of the applicant that he earned promotion from one post to another in the posts that were bunched. In this context, two paragraphs of the notification dated 04.09.2008 become relevant. They read as under:

õ7. Fixation of initial pay in the revised pay structure:

(1)

(A) In the case of all employees:-

- (i) The pay in the pay band/ pay scale will be determined by multiplying the existing as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.
- (ii) If the minimum of the revised pay band/ pay scale is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band/ pay scale.ö

6. On application of this principle, the basic pay of the applicant as on 01.01.2006 is to be multiplied by factor 1.86. The necessity to take recourse to further steps provided for under 7 (1) (A) (ii) would arise only when the resultant figure on multiplication was less than the minimum of the revised pay band. As mentioned above, the minimum of the pay band in the bunched posts is Rs.12,090/- whereas the resultant figure on multiplication of the basic pay of the applicant as on 01.01.2006 with 1.86 comes to Rs.13,160/-. Once this is the case, the question of the applicant claiming any benefit, does not arise.

7. We do not find any merit in the O.A. Accordingly, it is dismissed. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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