

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.401 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Ganesh s/o Rupraoji Kene

WITH

WRIT PETITION NO.546 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Prakash Mahadeorao Kawalkar

WITH

WRIT PETITION NO.545 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Dashrath s/o Dhondbaji Kothe

WITH

WRIT PETITION NO.563 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Bhagwat Babarao Bhumbar

WITH

WRIT PETITION NO.564 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Ramdeo Ganpatrao Dolas

WITH

WRIT PETITION NO.565 OF 2015

The Central Institute for Cotton Research, Thr. The Director, Nagpur and anr.

-vs-

Wasudeo Ukandrao Parhate

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. R. Atre, counsel for the petitioner.
Shri B. Lahiri, counsel for the respondents.

**CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.**

DATE : 02.02.2016

Since the issue involved in these writ petitions is identical and since they arise from the common order passed by the Central Administrative Tribunal, Nagpur dated 08/08/2014, they are heard together and are decided by this common order.

By these writ petitions, the petitioners, the Central Institute for Cotton Research and the Indian Council of Agricultural Research, challenge the order of the Central Administrative Tribunal directing the petitioners to consider the claim of the respondents for advance increments in the light of the observations made in the order of the Tribunal and in accordance with law.

The respondents-original applicants had filed separate original applications before the Central Administrative Tribunal challenging the office note dated 16/06/2010 by which the representations made by the respondents for grant of advance increments on completion of five years of service in grade T-5 as per the old Service Rules were rejected. According to the respondents, they were governed by the old Service Rules framed by the ICAR and as per Rules 6.1 and 6.2 which deal with career advancement, the respondents were entitled to the advance increment after the completion of five years of service in the said grade. It was the case of the respondents that since they had completed five years of the service in the grade, they were entitled to advance increment.

The petitioners had filed the reply to the original applications. It was admitted by the petitioners in the said

reply that the respondents were governed by the old Service Rules. It was however stated in the reply that as per the circular dated 04/08/1995, only the technical personnels who had put in not less than twelve years service in grade T-5 were entitled to the benefit of career advancement. The respondents had also relied on the clarificatory circular of the ICAR dated 03/02/2000.

On an appreciation of the material on record, the Central Administrative Tribunal by the judgment dated 08/08/2014 partly allowed the original applications filed by the respondents and directed the petitioners to consider the cases of the respondents for advance increment within a period of eight weeks after constituting a Committee for considering their entitlement. The petitioners have challenged the orders of the Tribunal in these petitions.

On hearing the learned counsel for the parties and on a perusal of the impugned orders as also the old Service Rules of the ICAR and the circular dated 04/08/1995, it appears that there is no scope for interference with the impugned orders in exercise of the writ jurisdiction. On a consideration of the old Service Rules, especially Rule 6 that pertains to career advancement and the circular dated 04/08/1995, the Tribunal held that the petitioners were liable to consider the cases of the respondents for grant of advance increments on completion of five years of service in the grade. The Tribunal observed that the circular of the ICAR dated 04/08/1995 was concerned with the upgradation from the post in grade T-5 to grade T-6. We find that the Tribunal has rightly observed, on a consideration of the circular dated 04/08/1995, that the said circular pertains to the upgradation of the employees from grade T-5 to T-6 and had nothing to do with the grant

of advancement increments. The Tribunal held, and rightly so, that the petitioners should consider the cases of the respondents as per the Rules-6.1 to 6.6 of the old service Rules of ICAR for grant of advance increments. We find that by the impugned orders, the Tribunal has rightly directed the petitioners to consider the cases of the respondents for grant of advance increment after constituting the Committee as required by the provisions of Rule-6.6 of the old Service Rules framed by the ICAR.

Since the orders of the Tribunal do not call for interference in exercise of the writ jurisdiction, we dismiss the writ petitions with no order as to costs.

JUDGE

JUDGE