

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 15.03.2017
Delivered on : 05.04.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.16800 of 2015

P.Chandrasekar

...Petitioner

vs.

1.The Chairman-cum-Managing Director,
BSNL Corporate Office,
Bharat Sanchar Bhawan
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001.

2.The Chief General Manager,
Bharat Sanchar Nigam Limited
Tamil Nadu Circle,
No.80, Anna Salai,
Chennai - 600 002.

3.The Registrar,
Central Administrative Tribunal,
City Civil Court Buildings,
Chennai - 600 104.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent Hon'ble Central Administrative Tribunal, Chennai Bench made in O.A.No.664 of 2012 dated 24.04.2015 and quash the same and allow the O.A. by directing the respondents 1 and 2 to grant one additional increment to the petitioner as prayed for in the Original Application.

For Petitioner : Mr.N.Chandra Raj

For Respondents : Mr.M.S.Velusamy for R1 and R2

O R D E R

K.K. SASIDHARAN,J.

This writ petition is directed against the order dated 24 April 2015 in O.A.No.664 of 2012, dismissing the original

application filed by the petitioner claiming one increment consequent to his promotion to the post of Divisional Engineer (STS) with effect from 16 August 2010.

Factual Matrix:

2. The petitioner was given ad hoc promotion to the post of Divisional Engineer and he joined the post on 1 January 2008. The pay of the petitioner consequent to his ad hoc promotion was fixed under FR 22(1)(a)(i)) with duties and responsibilities attached to the post. While working as Divisional Engineer on ad hoc basis, the petitioner was given regular promotion on 16 August 2010. The request made by the petitioner to give him pay fixation benefit of one additional increment as per 1(II)(v) of Executive Promotion Policy and Clause 13.2 of BSNL Management Services Recruitment Rules, 2009 was rejected by Bharat Sanchar Nigam Limited (for short BSNL). The petitioner therefore filed Original Application. The Central Administrative Tribunal (hereinafter referred to as "Tribunal") concurred with the submissions made on behalf of the BSNL and dismissed the Original Application. Feeling aggrieved, the petitioner is before this Court.

Submissions:

3. The learned counsel for the petitioner by placing reliance on Clause 1(II)(v) of Executive Promotion Policy and Clause 13.2 of BSNL Management Services Recruitment Rules, contended that the Rule is very clear that in case, the pay scale of the executive is the same as that of the promoted post, he should be given benefit of one increment in the current scale on promotion. According to the learned counsel, even after regular promotion, the petitioner was not given the benefit of increment. The Tribunal misconstrued the entire matter and dismissed the Original Application.

4. The learned Standing Counsel for BSNL supported the order passed by the Tribunal.

Analysis:

5. The Executive Promotion Policy and the BSNL Management Services Recruitment Rules provides for the grant of one increment on promotion. The benefit of one increment in the current scale would be given only in cases, where the promotion is from time bound upgradation scale to adhoc/regular post based promotion in the same scale.

6. The petitioner is under a mistaken impression that on regular promotion, he would be given one more increment notwithstanding the fact the increment given earlier when he was given ad hoc promotion.

7. The petitioner has no case that he was not given the benefit of pay fixation under FR 22(1)(a)(i) consequent to his promotion as Divisional Engineer on ad hoc basis vide order dated 19 December 2007. In short, the petitioner was given the pay scale applicable to the regular promotees. The question of payment of one increment would arise only in case the said increment was not given earlier inspite of giving ad hoc promotion.

8. In the subject case, the petitioner was given the pay scale applicable to the regular Divisional Engineer, even when he was given ad hoc promotion. The BSNL was therefore correct in denying the request made by the petitioner for the grant of one increment consequent to the regular promotion.

9. The Tribunal analysed the materials produced by the parties and arrived at a correct finding. We do not find any error or illegality in the said order warranting interference by exercising the power of judicial review.

10. In the up shot, we dismiss the writ petition. No costs.

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Chairman-cum-Managing Director,
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City Civil Court Buildings, Chennai - 600 104.

+1 Cc to M/s. Raj & Raj Associates, sr 20524

+1 CC to Mr. M.S. Velusamy, Advocate sr 20503

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