IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 **CWP-374-2014 (O&M)**
Date of Decision: 04.02.2025

Director General, Indian Council of Agricultural Research and another ..... **Petitioners**

Versus

Sh. Jagdish Singh Jassal and others ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Mr. S.S. Pathania, Advocate (through VC)
for respondent No.1.

Mr. Naveen Chopra, Advocate
for respondent No.3.

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SANJEEV PRAKASH SHARMA, J (ORAL)

1. The present petition preferred by the Director General, Indian Council of Agricultural Research (in short referred to as 'ICAR') assailing the order dated 30.08.2013 passed by the learned Central Administrative Tribunal, Chandigarh (in short referred to as 'CAT'), whereby the Tribunal allowed the query filed by the respondent and directed the writ petitioners to refix the initial pay of the applicant-respondent at Rs.21,900/- (Rs.17,300/- as basic pay plus Rs.4600/- as grade pay) w.e.f. 01.01.2006 as per CCS (Revised Pay) Rules, 2008 and arrears of pay and allowances were directed to be paid with interest @ 12% per annum with monthly rests. Further

direction to release the arrears of pension after amendment of the LPC & PPO was issued along with 12% per annum interest with monthly rest. The challenge was made by the petitioners on the ground that as per letter dated 11.06.2012 issued by the ICAR, the advance increment was to be treated as a separate element distinct from the basic pay and no increment allowances could be earned on the element of advance increment.

2. Learned counsel for the petitioners submits that since the circular was issued by the ICAR itself, it could govern the employees working with them.

3. On the other hand, counsel appearing for respondent No.1-the original applicant, submits that the respondent No.1 was granted the advance increment way back to the year 1999 and as per letter dated 11.06.2012, it was decided that the pay of the employees who have been granted advance increments prior to 01.01.2006 would be fixed in the revised pay structure corresponding to the stage at which their basic pay was as on 01.01.2006, thus, the directions issued in the said letter of treating the advance increment as separate element distinct from the basic pay would only arise for the pay fixation which may be done to the employees, who are granted advance increments after 01.01.2006 and not for the persons prior to them. He has also taken this Court to the subsequent letter issued by the Deputy Secretary to the Government of India dated 06.12.2012 which was noticed by the CAT, to submit that advance increment would not have to be treated as separate element as it would merge with the basic pay.

4. Learned counsel for respondent No.3-Ministry of Finance has also appeared upon being impleaded as a party and he submits that it is for

the concerned ICAR to take a decision in this regard. However, he does not deny the observations made in the letter dated 06.12.2012 issued by the Deputy Secretary to the Government of India, as quoted in the impugned order.

5. We have carefully considered the submissions made by learned counsel for the parties and also looked into the documents filed before the CAT as well as before us and find that the issue with regard to grant of advance increments to technical employees has been going on since long and advance increments have been granted from time to time to the employees who are working on the technical side. The letter dated 11.06.2012 issued by the ICAR reflects that the ICAR upon implementation of CCS (Revised) Pay Rules 2008 has granted advance increments to technical employees and the letter was issued in consultation with the Ministry of Finance which provided that the pay of an employee who has been granted advance increment prior to 01.01.2006, would be refixed in the basic pay taking it as last pay drawn as on 01.01.2006. Thus, it is amply clear that so far as the respondent No.1 is concerned who is an employee had been granted advance increment prior to 01.01.2006, would be covered under the said part of the decision and his advance increment given in 1999 would be merged and the basic pay as on 01.01.2006 would be treated for revised pay structure.

6. We also noticed that subsequent to the letter dated 11.06.2012, the Ministry of Finance itself clarified the issue in its letter dated 06.12.2012 relating to grant of advance increments to Stenographers of subordinate offices and has decided that advance increment would be no longer continued as a separate element and it would be merged with the basic pay.

The said decision, although taken for the Departments under the Finance, would have in equal application to the technical employees of the ICAR since ICAR has adopted the CCS (Revised Pay) Rules, 2008 in the same terms as Ministry of Finance and different yardsticks cannot be adopted with regard to treating of advance increments while making pay fixations of employees. However, we need not go into the said aspect any more since we have already held that the respondent No.1 was that who was granted advance increment much before 01.01.2006. Leaving the matter open for others, we close the present case. So far as the respondent No.1 is concerned, we direct the petitioners to pass the orders accordingly in terms of the order passed by the CAT.

7. In view thereto, the order passed by the Central Administrative Tribunal does not warrant any interference and accordingly, the instant petition is dismissed.

8. The pending misc. application, if any, shall stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

04.02.2025
D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No