

Government of Himachal Pradesh
Department of Public Works
Section-A

File No.PBW-A-E(1)-68/2017

Dated: Shimla-2, the

8th October, 2018

ORDER

Whereas, Sh.Pritam Chand, Assistant Engineer (Civil) (Retd.) had filed OA (D) 93/2017 in the Hon'ble HP Administrative Tribunal, Bench at Dharamshala and had sought following relief(s):-

- (i) That the respondent may be directed to refix the pay of the applicant w.e.f. 1.1.1996 and annual increment may be fixed on 1.1.1996 instead of 1.11.1996.
- (ii) That the special pay may be granted as @ Rs.40/- PM w.e.f. 1.1.1996 as granted to the juniors of the applicant.
- (iii) to (vii).....

That the said OA was finally disposed of by the Hon'ble Tribunal on 26.5.2017 with the following direction:-

"In the facts and circumstances of the case, the OA is disposed of with a direction that the applicant may file a comprehensive representation alongwith a certified copy of this order for stepping up of pay to 1st Respondent through Principal Secretary (PWD) to the Govt. of HP within ten days. 1st Respondent shall decide the same after affording an opportunity of being heard to the applicant, if so desired, by 30th July, 2017."

Manjula
That, as per the direction of the Ld. Tribunal, Sh.Pritam Chand, AE (Retd.) has filed representation alongwith certified copy of order dated 26.5.17 with the request to grant him special pay @ Rs.40/- P.M. w.e.f. 1.1.1996 at par with his junior Sh.Brij Mohan and Smt.Manjula Devi and also grant him increment w.e.f. 1.1.1996 instead of 1.11.1996. After receipt of representation from the applicant, record of the case was called from the concerned field office which however took considerable time in submission. After receipt of relevant record, personal hearing was granted to Sh.Pritam Chand, Assistant Engineer (Retd.) on 2.8.2018. During the course of hearing, Sh.Pritam Chand, stated that at the time of fixation of pay scale w.e.f. 1.1.1996, his pay was fixed as Rs.7220/- and that of Smt.Manjula Devi at Rs.7440/- and as such, there was a difference of one increment of Rs.220/-. This one increment loss is very high financial loss which may be corrected and paid to him.

And whereas, the undersigned has gone through the record of the case as well as submissions made by the applicant during the course of hearing. After perusing the record of the case viz service books of the applicant as well as Smt.Manjula Devi and comparative statement of pay of both the officer, it is found that Sh.Pritam Chand and Smt.Manjula Devi had joined service as Junior Engineer on 19.11.1979. The pay scale of the Govt. employees were revised by the Finance Department w.e.f. 1.1.1986 on 1.11.1989 and category of Junior Engineer was granted pay scale of Rs.1800-3200. Both the incumbents were drawing pay at Rs.850/- in the pre-revised pay scale as on 31.12.1985 with next date of increment as on 1.11.1986. Consequent upon the revision of pay scale, Smt.Manjula Devi opted for revised pay scale w.e.f. 1.1.1986 and accordingly, her pay was fixed at Rs.1800/- i.e. minimum of time scale whereas Sh.Pritam Chand, opted the pay scale w.e.f. 1.11.1986 and as such, on revision of pay scale, his pay was fixed at Rs.1840/- on 1.11.1986 i.e. after earning annual increment in the pre-revised pay scale with next date of increment as on 1.11.1987. The next revision of pay scale took effect w.e.f. 1.1.1996 which was revised by the Finance Department on 9.1.1998. As on 31.12.1995, Sh.Pritam Chand was drawing pay at Rs.2360/- whereas his junior viz Smt.Manjula Devi was drawing pay at Rs.2310/-. Smt.Manjula Devi, opted for revision of pay scale after earning her increment in the pre-revised pay scale, and accordingly, her basic scale was fixed after adding annual increment in the pre-revised pay scale which comes to Rs.7240/- w.e.f. 1.1.1996. On revision of pay scale, as per fitment table, the basic of scale being drawn by Smt.Manjula Devi, was determined at Rs.7240/- as there was no other stage and as such, she was given next stage above the level, and her pay was fixed at 7440/- with next date of increment as Rs.1.1.1997. On the other hand, the emoluments in respect of Sh.Pritam Chand were calculated as Rs.2360/- which he was drawing before revision of pay scale i.e. 31.12.1995 and his pay was fixed at Rs.7220/- which was a proper stage in the time scale with next date of increment as on 1.11.1996. Hence, it has been found that junior Govt. servant had opted for grant of annual increment before stepping into the revised pay scale, thus, he had started getting enhanced pay in the lower post. But, Sh.Pritam Chand did not exercise such option and retained his original date of increment in both the occasion i.e. w.e.f. 1.1.1986 and 1.1.1996. Hence, the case of the applicant does not cover for stepping up his pay at par with his junior Smt.Manjula Devi as none of the conditions as prescribed in Govt. of India order number 23 below FR-22 are

fulfilled. The anomaly in the pay of senior and junior has occurred due to option for retention of date of increment by the senior incumbents as 1st November of the year. With regards to the 2nd relief sought by the applicant that he may be granted special pay of Rs.40/- w.e.f. 1.1.1996 is not acceptable because after release of new pay scale w.e.f. 1.1.1996, there was no provision in the rules for grant of special pay to Junior Engineer.

Now therefore, in view of above discussion, I find no merit in the representation of Sh.Pritam Chand, Assistant Engineer (Civil) (Retd.) to step up his pay at par with his junior viz Smt.Manjula Devi and as such, the same is hereby considered and rejected.

(Manisha Nanda)

Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh

8th October, 2018

Endst.No. As above

Dated: Shimla-2, the

Copy for information, and necessary action to:-

1. The Accountant General, HP, Shimla-171003.
2. The Engineer-in-Chief, HP, PWD, Nigam Vihar, Shimla-171002.
3. The Controller, Printing and Stationery, HP Shimla-5 with a request to publish above notification in Rajpatra.
4. The Chief Engineer (KZ), HP, PWD, Dharamshala.
5. The Superintending Engineer, HPPWD, Circle, Palampur.
6. The Executive Engineer (Civil), HPPWD Division, Baijnath/Division Palampur, Distt. Kangra.
7. Sh.Pritam Chand, AE (Civil) (Retd.), s/o Sh.Makholi Ram, r/o Amtrar, VPO Sunchar, Tehsil Nagrota Bagwan, Distt. Kangra, HP.
8. The Nodal Officer o/o. E-in-c, HP, PWD Shimla for uploading the order in official website.

(D.C.Negi)

Special Secretary (PW) to the
Government of Himachal Pradesh