V. GANGARAM

v.

THE REGIONAL JOINT DIRECTOR AND ORS.

APRIL 25, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Service Law :

Advance increments for acquiring higher qualifications—Grant of 4 increments—Subsequent proceedings to recover arrears beyond two additional increments—Tribunal refusing to interfere—On appeal held, he is entitled to only two increments, and not four on the basis of his additional qualifications over and above the minimum required qualification for the post—However excess arrears paid prior to 1985 not to be recovered—Excess amount from 1985 could be recovered from pension, in instalments.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3297 of 1997.

From the Judgment and Order dated 19.8.96 of the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A. No. 2944 of 1993.

D. Prakash Reddy and Mrs. D.B. Reddy for the Appellant.

T. Anil Kumar for the Respondents.

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

This appeal by special leave arises from the order of the Andhra Pradesh Administrative Tribunal at Hyderabad, made on August 19, 1996 in OA No. 2944/93.

The appellant was originally appointed as a Teacher/Head Master in a Private aided School on November 9, 1959 in the scale of Rs. 45- 120. After his passing Secondary Grade Degree Training Examination in the year 1967, he was granted on December 1, 1967 SGBT scale of Rs. 80-150

A w.e.f. the aforesaid date. In view of the fact that the appellant went on improving his qualifications for B.A., M.A., B.Ed. and M.Ed, the authorities went on giving revision of the pay scale granting advance increments as and when he acquired the qualification on the pay-scale applicable at the relevant time. Impugned proceedings were issued to recover the said amount paid to him on the premise that he was not entitled to the advance increments more than two. The Tribunal has dismissed the petition. Thus, this appeal by special leave.

The Government in G.O.Ms. No. 928 Education Department (K) dated September 13, 1977 has envisaged the grant of the additional increment on the minimum qualifications prescribed for the relevant categories, as indicated below :

"(a) One Increment for B.A. or equivalent degree.

(b) One Increment for B.Ed.

(c) One Increment for M.A. or equivalent Post Graduate Degree.

(d) One Increment for M.Ed."

Admittedly, he is now having the post of Junior Lecturer which requires the M.A. qualification and, therefore, he is only entitled to two additional increments, namely, for acquiring his M.A. and M.Ed. qualifications. They have stated in the illustration as under :

Sl. No.	Category of post	Revised scale of pay	Qualifi-cations for post	Additional Qualifications for eligibility to Advance Increments	No. of Advance Increments allowed
1	2	3	4	5	6
2.	Trained graduate teachers grade II/320-14 Schell Asst. 460-15 580		Degree and Degree in Teaching (B.Ed.)	a) Post Graduate with B.Ed. b) Degree with c) Post Graduate with M.Ed.	One Increment One Increment Two Increment

4. The additional financial comment involved to the management

in the implementation of these order will be considered for assessment of teaching grants due to the schools under GRANT-TN-AID." A

On the basis thereof, the appellant is entitled to only two additional increments, namely, one increment for M.A. and thereafter one for M.Ed. Under these circumstances, the authorities have wrongly applied the B G.O.Ms. No. 928 and G.O.Ms. 266 Finance and Planning dated November 17, 1986. While issuing the notice, it was confined to the question of recovery of the arrears paid to him from the year 1985, the year in which he is eligible to acquire additional qualifications for holding the post of Lecturer. Thus, it could be been that he is entitled to the revised scale of C pay giving the additional increments on two qualifications, namely, M.A. and M.Ed. and therefore, he is entitled to the computation of the scale of pay then applicable to him prior to the date of immediate month in which examination was conducted of the scale of pay plus two additional increments. He is not entitled to the four increments, as successively claimed. We hold that he is entitled only two increments, as indicated above. Since D the Department itself has adopted above approach, we direct that arrears paid prior to 1985 are not to be recovered and excess amount from 1985 is liable to be recovered from the pension payable to the appellant. Instalment should be proportionately distributed so as not to cause any undue hardship. E

The appeal is accordingly disposed of. No costs.

G.N. Appeal disposed.