

V. Gangaram

Vs

Regional Joint Director And Others

Civil Appeal No. 3297 Of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

25.04.1997

ORDER

1. Leave granted.
2. We have heard the learned counsel on both sides.
3. This appeal by special leave arises from the order of the Andhra Pradesh Administrative Tribunal at Hyderabad, made on 19-8-1996 in OA No. 2944 of 1993.
4. The appellant was originally appointed as a Teacher/Headmaster in a private aided school on 9-11-1959 in the scale of Rs. 45-120. After his passing Secondary Grade Degree Training Examination in the year 1967, he was granted on 1-12-1967 SGBT scale of Rs. 80-150 w.e.f. the aforesaid date. In view of the fact that the appellant went on improving his qualifications by BA, MA, 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. The impugned proceedings were issued to recover the said amount paid to him on the premise that he was not entitled to more than two advance increments. The Tribunal has dismissed the petition. Thus, this appeal by special leave.
5. The Government in GOMs No. 928 Education Department (K) dated 13-9-1977 has envisaged the grant of the additional increment on the minimum qualifications prescribed for the relevant categories, as indicated below :
 - "(a) One increment for BA or equivalent Degree.
 - (b) One increment for B.Ed.
 - (c) One increment for MA or equivalent postgraduate Degree.
 - (D) One increment for M.Ed."
6. Admittedly, he is now having the post of Junior Lecturer which requires the MA qualification and, therefore, he is only entitled to two additional increments, namely, for acquiring his MA and M.Ed. qualifications. They have stated in the illustration as under :

#-----"Sl. Category Revised
Qualifications Additional No. ofNo. of post scale of for the post qualifications
advance pay for eligibility increments to advance allowed increments-----

-----1 2 3 4 5 6-----
-----2. Trained Graduate Degree and (a) Postgraduate One Teachers
with B.Ed. increment Grade II/320-14 Degree in (b) Degree One with B.Ed.
increment Schell Asst. 460-15 Teaching (c) Postgraduate Two 580 (B.Ed.) with
M.Ed. increments-----##

4. The additional financial cement (sic) involved to the management in the implementation of these orders will be considered for assessment of teaching grants due to the schools under GRANTS-IN-AID."

7. On the basis thereof, the appellant is entitled to only two additional increments, namely, one increment for MA and thereafter one for M.Ed. Under these circumstances, the authorities have wrongly applied the GOMs No. 928 and GOMs No. 266 Finance and Planning dated 17-11-1986. 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 seen that he is entitled to the revised scale of pay giving the additional increments on two qualifications, namely, MA 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 to only two increments, as indicated above. Since the Department itself has adopted the 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. The instalment should be proportionately distributed so as not to cause any undue hardship.

8. The appeal is accordingly disposed of. No costs.