

No. 7/15/2007-CS.I(A) (Vol.II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel and Training)

2nd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi
Dated 20th May, 2019

ORDER

WHEREAS, some Direct Recruit Assistant Section Officers (ASOs) of CGLE 2005 and 2006 have requested for ante dating their increment dates as they were nominated in different batches for mandatory training;

AND WHEREAS, it is mandatory for every Direct Recruit ASO to undergo foundational training course first before they could be allotted any Ministry / Department;

AND WHEREAS, the first batch of ASOs belonging to CGLE 2005 and CGLE 2006 had joined in July 2008 and October 2009 respectively;

AND WHEREAS, the concerned ASOs who were nominated in later batches of mandatory training had not completed six months of service for earning Annual Increments unlike their other batchmates who were nominated in the first batch.

AND WHEREAS, representations were received in September, 2009 from some DR ASOs of CGLE 2005 requesting for ante dating their increments.

AND WHEREAS, the case was examined in this Department and it was not agreed to as the request was not in consonance with the Department of Expenditure's O.M. dated 13.09.2008.

As per Para 2 clarification 1 (i) of Department of Expenditure's OM dated 13.09.2008 specifically states as under:

"As per Rules 10 of CCS (RP) Rules, 2008, there will be one uniform date of annual increment, viz. 1st July of every year. Government servants completing six months and above in the revised pay structure as on 1st July will be eligible to be granted the increment. Accordingly, all Government servants who earned their last increments between 02.01.2005 and 01.01.2006 would get their next increment on 01.07.2006."

AND WHEREAS, the ASOs of CGLE 2005 submitted fresh representation during 2015-2016 and representations were also received from ASOs of CGLE 2006 batch during the year 2016. The matter was re-examined in detail and it was found that no new facts were brought out to review the decision taken earlier and accordingly it was decided with the approval of the Competent Authority, to wait for the outcome of the case in WP No. 1738/2017 challenging the eligibility criteria for counting the approved service in ASO Grade which was and is still pending in High Court.

AND WHEREAS, an OA (100/3397/2018) was filed by some aggrieved DR ASOs in CAT, (PB), Delhi on the same grounds. CAT, PB vide order dated 11.09.2018 has disposed of the OA at the admission stage with directions to DOPT as under:

"..... the respondents are directed to pass a reasoned and speaking order on the representation of the applicants within three months from the date of receipt of a certified copy of the this order. The OA is, accordingly, disposed of, at the admission stage itself."

AND WHEREAS, the concerned ASOs vide their representations had sought the following benefits:

- i. In r/o CGLE-2005 batch, for grant of increment w.e.f 01.07.2009 instead of 01.07.2010 the date from which they have got the increment presently, because of the condition of having completed six months service thereon, as stipulated in DOE's O.M. dated 13.09.18.
- ii. In r/o CGLE-2006 batch, for grant of increment w.e.f 01.07.2010 instead of 01.07.2011 the date from which they have got the increment presently, because of the condition of having completed six month service thereon, as stipulated in DOE's O.M. dated 13.09.18.
- iii. To fix the pay notionally from the actual date of joining of the first candidate of their batches;
- iv. To consider their service counted from the date of joining of the first candidates for the purpose of pension and qualifying service.

AND WHEREAS, the matter was again examined in this Department and it was observed that a Government Servant is eligible to draw the pay only from the date of assumption of charge. The concerned ASOs were not eligible for pay parity with their batchmates as they attended mandatory training in different batches. As such, they had not completed six months of service for earning annual increment along with their other batchmates who were nominated in the first batch, in terms of Department Of Expenditure's O.M. dated 13.09.2008. Thus, they were not eligible for antedating of increment at par with their batchmates.

AND WHEREAS, it is also observed that the concerned ASOs of 2005 & 2006 batches who were nominated in the later batches of training have however been given all due benefits like approved service, eligibility for SO-LDCE, which accrued to their batchmates who were appointed in the earlier batches.

AND WHEREAS, the matter was examined in consultation with D/o Expenditure. An interim reply vide letter dated 31.12.2018 in light of directions of CAT, was also sent to all applicants and counsel for applicants and respondents as well.

AND WHEREAS, Department of Expenditure has examined the case and found the claim for antedating of increment not in conformity with the extant instructions and rejected the claim for antedating of increment in respect of the said ASOs.

NOW THEREFORE, it has been decided that since the instant claims of the DR ASOs of CGLE 2005 and 2006 batches are not in consonance with the extant rules and the fact that these representations were examined in 2009 and rejected on the same ground and no new ground has been brought forth in these representations, hence the claim is hereby rejected as it is devoid of merit.


(George D. Toppo)

Under Secretary to the Government of India

To,

All concerned ASOs of CGLE 2005 & 2006 through DoPT website.

Copy to:-

1. Shri Susheel Sharma, Counsel for applicants, CAT, PB, Bar Room, Copernicus Marg, New Delhi.
2. Shri Rajeev Kumar, Counsel for respondents, CAT, PB, Bar Room, Copernicus Marg, New Delhi.