

(1994) 02 SC CK 0097
In the Supreme Court Of India
Case No : SLP (C) No.14286 of 1994

S. Sathyananda Shetty and Another	Vs	APPELLANT
State of Karnataka and Others		RESPONDENT

Date of Decision : 07-02-1994

Acts Referred:

Citation : (1995) 2 SCC 385 Supp

Hon'ble Judges : K. Ramaswamy, J;B. L. Hansaria, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. LEAVE granted. Heard learned counsel for the appellants.
2. LEARNED counsel contends that the government by its order dated 9/10/1964, while reading various orders issued by the government of Karnataka starting from 27/12/1961, have extended the benefit of two advance increments to augment efficiency in service to such of those employees who improve their qualifications and acquire graduation qualification. Therein it was specifically stated that such of those employees who were in the junior division Grade II and were within the specified scale of pay on acquiring graduation qualification would get two advance increments. The order of the government in order FD 14/SRP(1/77, Bangalore, dated 24/5/1977 was only to elongate the benefits envisaged on the earlier notifications to such of those categories of the employees mentioned therein and they are also equally entitled to the benefits of two advance increments. The G.O. did not intend to exclude or take away the benefit of two advance increments on acquiring graduation qualification by any other categories. The tribunal has, therefore, committed illegality in construing that, by necessary implication, it excluded all others except those covered by the notification. We find no force in the contentions.
3. IN the order dated 24/5/1977, the government have stated that the existing scheme of grant of advance increments to certain categories of Government

employees for possessing or acquiring higher qualifications has been reviewed by government, in the light of the recommendations of the Pay Commission and the Official Committee. Thereafter, the government have directed that the grant of advance increments would be applicable (to the following category of employees and be regulated with effect from 1/1/1977 to the designated four categories of employees subject to which they are entitled to advance increments: SI. Designation Qualification for which No. of advance

No. advance increments are increments

granted

1. Second Division Clerks/ Degree 2. adv. increments

Junior Assistants/Pry.

School Teachers

2. Typists i. Degree 1. adv. increment

ii. Proficiency in 2. adv. increments

typewriting

3. Stenographers i. Degree 1. adv. increment

ii. Proficiency in 2. adv. increments

Shorthand

4. First Division Clerks/First Cost Accounts 2. adv. increments

Division Accounts examination of

Clerks/Superintendent ICWA of India

Asstt. Controller or Asstt.

Accounts Officer

4. IT would, therefore, be clear that the government obviously are aware of their previous scheme. After reviewing the scheme in the light of the recommendation made by the Pay Commission and the Official Committee the Government have confined the benefit of grant of advance increments to the categories of employees enumerated hereinbefore, that too with effect from 1 -1 - 1977. In other words, the government have chosen not to extend any benefit to any other categories except the categories enumerated above. Admittedly, the appellants do not come within any of the four enumerated categories. Thereby, the previous benefit existing from 1964 is no longer in vogue and superseded by the later order passed by the government. Under these circumstances, we do not find that there is any illegality committed by the tribunal warranting interference. The appeals are accordingly dismissed.