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C.A.No. 15621 OF 1996

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.15621 OF 1996@@
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H.P. Gupta & Anr. .. Appellants

Vs.

Union of India & Ors. .. Respondents

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The appellants before us are working as Junior Telecom Officers in the Telecommunication Department of respondent No. 1 - Union of India. They were direct recruits into the service and they possessed the qualification of Degree in Engineering even at the time of joining the service. Under the Scheme framed by the respondent - Union of India, two advance increments are given to those who acquired the Degree in Engineering while in service. The appellants claimed that similar benefit should be extended to them also, as otherwise, the policy would result in hostile discrimination. The application filed by the appellants having been dismissed by the Administrative Tribunal, this appeal is preferred by special leave.

The contentions put forth are : (i) that Classification of those who acquired the qualification of

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Engineering degree into two categories are of those who did so before entering into service and the other of@@
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those who did so after entering into service is invalid@@
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in law; (ii) that such a policy leads to the anomalous position of seniors who entered into service with Engineering degree getting lesser salary/emoluments than those who acquired such qualification after entering into service by getting two advance increments.

The Tribunal examined the matter and found that the classification made by respondent No. 1 is in order, i.e. into two categories - those who acquired the Degree in Engineering even before joining the service and those officers who acquired such Degree while in service. It is held that this classification has nexus to the purpose of giving incentive to those officials who did not possess such a Degree when they joined the service.

We find the reasoning adopted by the tribunal to be in order and does not call for any interference at our end. However, Shri E.X. Joseph, learned senior advocate

appearing for the appellants submitted that the classification is artificial because ultimately when the officials who obtained the Degree in Engineering while in

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service also fall into the same class as the appellants who had obtained such a Degree even before joining the service and both of them discharge identical services and they should get equal treatment in the matter of emoluments at the hands of the Department. Learned senior counsel also pointed out that the anomalous situation of senior officers getting lesser salary than juniors on account of extra payment of two advance increments also could be avoided.

We find that the object of giving two advance increments to those officials who did not possess Degree in Engineering before joining the service, is only to encourage them to get such a Degree so that they could improve themselves while in service. When that object is satisfied, we do not think the contentions advanced on behalf of the appellants that there should be equality in the matter of payment of salary or other emoluments or even there should be parity in the matter of giving increments, cannot be accepted. It is true that such a situation, as pointed out by the learned senior counsel for the appellants certain anomalies may arise in specific cases when the official who has acquired Degree in Engineering subsequent to joining of service may get

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higher salary though junior to the appellants. There cannot be perfect equality in any matter on an absolute scientific basis and there may be certain inequities here and there. If the classification is correct and serves a particular purpose, the same is not to be judicially interfered with. If the argument advanced on behalf of the appellant is accepted then the Scheme itself will become ineffective though may it result in giving uniform treatment to all. Thus the incentive Scheme will stand scrapped and such an event should be avoided. In this view of the matter, we decline to interfere with the order made by the tribunal. The appeal is accordingly dismissed. No costs.

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[S. RAJENDRA BABU]@@
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[BRIJESH KUMAR] @@
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New Delhi,@@
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August 23, 2001.

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S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 15621/1996

H.P. Gupta & Anr. .. Appellant (s)

Vs.

Union of India & Ors. .. Respondent(s)

(With office report)

DATE : 23.8.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Appellant (s) : Mr. E.X. Joseph, Sr. Adv.
Mr. Abhay N. Das, Adv.
Mr. M.M. Kashyap, Adv.

For Respondent (s) : Mr. Kailash Vasdev, Sr. Adv.
Mr. Hemant Sharma, Adv.
Mr. Y.P. Mahajan, Adv.
Mr. P. Parmeswaran, Adv.

UPON hearing counsel the Court made the following
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The appeal is dismissed in terms of the signed order. No costs.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file