

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2607 OF 1998@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

Karnataka Power Corporation Limited Appellant

:versus:

A.K. Gopala Gowda Respondent

O R D E R@@
EEEEEEEEEE

.....L.....I.....T.....T.....J.....J
.SP2

The employer Kanataka Power Corporation Ltd. is in appeal against the judgment of the Division Bench of the Karnataka High Court. The dispute centres round the question of re-fixation of the pay of the respondent in the revised pay scale and what would be the next date of his increment. Under the Standing Regulation of 1983 the pay scale of the employees of the Corporation stood revised w.e.f. 1.4.1981. Paragraph 2 of that regulation provides the manner for pay fixation and weightage that would be given to the employee concerned. When the respondent's pay was fixed at Rs.830/- on 1.4.1981, his date of increment was shifted from 1.5.1981 to 1.4.1982. He felt aggrieved by the same and approached the High Court. The learned Single Judge on consideration of the entire materials on record refused to grant the reliefs sought for. The Division Bench, however, by the impugned judgment set aside the so called shifting of the increment of the respondent and held that after the respondent's pay is fixed at a particular stage of the revised scale on 1.4.1981, his normal increment which was due to him on 1.5.1981 cannot be denied by application of the principles evolved in the regulation of the year 1983. It is this judgment which is under challenge in this appeal before us.

Mr. S. Ganesh, learned senior counsel appearing for the appellant contended that the pattern of fixation of pay in the revised scale and the corresponding shifting of increment was the same under the 1977 regulation as is under 1983 regulation. He further contends that several illustrations/examples indicating the manner of fixation of pay and determination of the date of increment would unequivocally indicate that there was no infirmity in the order of the fixation of pay of the respondent in the revised pay scale and also in the date of fixing of his increment and therefore, the order of the Division Bench should not be permitted to remain. In view of the arguments advanced, we have also examined the different paragraphs of the Standing Regulation of the year 1983 and it would be difficult for us to come to the conclusion that under the regulation, as framed, the contention of the employer is correct. The so

CORAM:

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE S.N. VARIAVA

For the Appellant (s) : Mr. S. Ganesh, Sr. Adv.
Mr. P. Venugopal, Adv.
Mr. P.S.L Sudheer, Adv.
Ms. Surekha Raman, Adv.
Mr. K.J. John, Adv.

For the Respondents : Mr. S.R. Bhat, Adv.
Mrs. Lalit Mohini Bhat, Adv.

.SP2

Upon hearing counsel the Court passed the following

O R D E R

Heard counsel for the parties at length.
The appeal and the special leave petitions are dismissed in
terms of the signed order.

.SP1

(A.S. Bisht)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file.)