

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 181/00884 of 2019

Monday, this the 13th day of January, 2020

CORAM

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

1. Hamza K
aged 66 years
S/o.Late.Khalid
Retd. Crane Operator
Andaman Lakshadweep Harbour Works, Amini
Kandikam House
Amini Island -682 552
Union Territory of Lakshadweep
Mobile No.9495045606

2. Cheriyakoya K
S/o.Late Yousef AC
Aged 66 years
Retd. Barbender cum Blacksmith
Andaman Lakshadweep Harbour Works, Amini
Koormel House
Amini Island -682 552
Union Territory of Lakshadweep
Mobile No.9446506398

3. Shaban K.C
S/o.Late Yousef AC
Aged 66 years
Retd Driver
Andaman Lakshadweep Harbour Works, Amini
Kunnalachetta House
Amini Island -682 552
Union Territory of Lakshadweep
Mobile No.9447802854

... Applicants

(By Advocate Mr.Mohammed Salih P.M)

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Versus

1. Union of India rep. by Secretary
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
New Delhi -110 003
2. The Deputy Chief Engineer (Lakshadweep)
Andaman Lakshadweep Harbour Works
Kavaratti Island
Union Territory of Lakshadweep – 682 555
3. The Chief Engineer & Administrator
Andaman Lakshadweep Harbour Works
Prot Blair, Andaman – 110 001 Respondents

(By Advocate, Mr.Thomas Mathew Nellimoottil,Sr.PCGC)

This application having been heard on 13th January, 2020, the Tribunal on the same day delivered the following :

O R D E R (ORAL)

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

The applicants are retired employees of the Andaman Lakshadweep Harbour Works Department who retired on 30.6.2013. They are aggrieved by the fact that due to their superannuation being on the last day of June 2013, they were declared ineligible for the increment which fell due on 1st July 2013, on the ground that they were not on service on that particular day. It is brought to our notice that in a similar situation relating to a Central Government employee from Tamil Nadu, the issue had been decided in favour of the employee by the Hon'ble High Court of Madras in Writ Petition No.15732/2017, which had reversed the decision of the Central

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Administrative Tribunal, Madras Bench. It is also brought to our notice that the Hon'ble Supreme Court, in SLP (Civil) No.22283/2018, had dismissed the SLP filed by the respondents challenging the decision of the Madras High Court.

2. We direct that, in view of the issue being settled at the level of the Apex Court, the benefit claimed by the applicants, which is the increment which fell due on 1.7.2013, may be allowed to the three applicants in the Original Application within two months from the date of receipt of a copy of this order.

3. The Original Application is disposed of as above. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A1 - The photostat copy of the order dated 15.9.2017 in W.P.No.15732/2017 doe the Hon'ble High Court of Madras

Annexure A2 - The copy of the order dated 23.7.2018 of the Hon'ble Supreme Court in Special Leave Petition (Civil) No.22283/2018

Annexure A3 - The true copy of the representation dated 20th March 2019 submitted by the 1st applicant

Annexure A4 - The copy of the representation dated 14th April 2019 submitted by the 2nd applicant

Annexure A5 - The copy of the representation dated 5.12.2019 submitted by the 3rd applicant

Annexure A6 - The copy of the order dated 9.4.2019 issued by the 2nd respondent

Annexure A7 - The copy of the order dated 23.5.2019 issued by the 2nd respondent

Annexure R1 - A true copy of the OM No.F.No.08-09/2019-E.III.A dated 25.6.2019.
