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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00840 of 2018

Monday, this the 16th day of December, 2019

CORAM

Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. Shri Pavithran K.,
Aged 63 years,
S/o Vellan,
Retired Chief Ticket Inspector,
Trivandrum Division,
Southern Railway,
Residing at Kannath House,
Jaya Nivas, M.L.A.Road,
Udayamperoor P.O., Ernakulam.

2. Shri M.A.Varghese,
Aged 64 years,
S/o M.V.Elias,
Retired Chief Ticket Inspector,
Trivandrum Division,
Southern Railway,
Resinding at Marattu House,
Alattuchira P.O.,
Perumbavoor.

... Applicants

(By Advocate M/s.Varkey and Martin)

Versus

1. The Union of India,
represented by the General Manager,
Southern Railway,
Park Town,
Chennai – 600 003.

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2. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum – 14.

..... Respondents

(By Advocate, Mr.Thamas Mathew Nellimoottil, SCGSC for Respondents)

This application having been heard on 11th December, 2019, the Tribunal on 16th December, 2019 delivered the following :

ORDER

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

OA No.840/2018 is filed by Shri Pavithran K and Shri M.A.Varghese, retired Chief Ticket Inspector, Trivandrum Division, Southern Railway, seeking a direction to the respondents to grant annual increment on completion of one year full service.

2. The brief facts of the case are as follows: The applicants retired from service as Chief Ticket Inspectors on attaining the age of superannuation on 30.06.2015 and 30.06.2014 respectively. The applicants were not granted the annual increment on completion of one full year service, while reckoning the last pay for the purpose of calculation of pension. As per Rule 1318 of IREC Vol.II and para 606(iii)(b) of IREM Vol-I, annual increment shall be granted from the first of the month in which they fall due. On

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implementation of VI Pay Commission Recommendation, a uniform date was introduced for grant of annual increment, fixing 1st July as the date, for all employees. The applicants, who completed one full year of service on 30.06.2015 and 30.06.2014 respectively, were not granted the annual increments for the reason that they were not in service as on 1st July of the respective year.

3. A similar issue raised in an Original application before the CAT, Madras Bench was rejected, but the same was favourably considered by the Hon'ble High Court of Madras in W.P. NO.15732 of 2017 (Annexure A3). The Hon'ble High Court held that

“..... The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though the increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purposes”.

The Special Leave Petition No.22283 of 2018 filed against the judgment of the Hon'ble High court was also dismissed by the Hon'ble Supreme Court. Relying on the above judgment of Hon'ble High Court, the applicants submitted representations for grant of annual increment for which there was no reply from the respondents.

4. As grounds, applicants state that they are similarly situated as petitioner in W.P.No.15732 of 2017 and are therefore entitled for grant of

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annual increment on completion of full one year service at the time of their retirement for the purpose of pensionary benefits.

5. In the reply statement filed by the respondents, maintainability of OA in law or on facts of the case is seen questioned. The respondents contend that they have not received any representation submitted by the applicants before approaching this Tribunal. They submit that though the applicants had retired on 30.06.2015 and 30.06.2014 after completion of one year, they were not on the rolls on the date of claiming increment i.e., 01.07.2015 and 01.07.2014 respectively. As per the recommendation of the VI Pay Commission, they were not entitled for the annual increment as prayed for.

6. Heard Shri Martin G. Thottan, learned Counsel for the applicant and Shri Thomas Mathew Nellimoottil, learned SCGSC for the respondents. The applicants had completed one full year service as on 30.06.2015 and 30.06.2014 respectively and was not in service on 01.07.2015 and 01.07.2014 respectively, on which date the increment fell due. In view of the above quoted judgment of Hon'ble High Court of Madras, the applicants have to be treated as having completed one full year of service though the date of increment falls on the next day of their retirement. The OA is allowed. The respondents are directed to grant one notional increment to the applicants on the respective dates, the increment fell due and accordingly revise the pension and retirement benefits of the applicants.

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The respondents shall comply with the above direction within a period of 90 days from the date of receipt of a copy of this order. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00840/2018

- 1.** Annexure A1 - True copy of the service certificate issued to the first applicant.
 - 2.** Annexure A2 - True copy of the revised PPO issued to the second applicant.
 - 3.** Annexure A3 - True copy of the judgment dted 15.09.2017 passed by the Hon'ble High Court of Madras in W.P.No.15732 of 2017.
 - 4.** Annexure A4 - True copy of the representation dated 10.06.2018 submitted by the 1st applicant.
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