

**Central Administrative Tribunal
Hyderabad Bench**

O.A.No.372/2019

Hyderabad, this the 27th day of December, 2019

Hon'ble Mr. B.V.Sudhakar, Member (A)

- 1) Ogirala Shankar Rao, S/o Yanadhi
Age about 71 years
Occ: Retd Field Man (Cast of Production Scheme)
O/o The Director
Directorate of Oil Seeds Development
Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare
Hyderabad
R/o H.No.657, Gandhinagar 4th Lane
Mangamuru Donka
ONGOLE – 523 002 Prakasham District.

- 2) Sarabu Nagabhusanachari, S/o Late Subbaiah
Age about 69 years
Occ: Retd Field Supervisor
O/o The Director
Directorate of Oil Seeds Development
Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare
Hyderabad
R/o H.No.8-30/C/3, Flat No.102
Road No.4, Balaji Apartment
Hemanagar, HYDERABAD – 500 039. .. Applicants

(By Advocate: Mr. M. Venkanna)

Vs.

1. The Union of India represented by
 The Secretary, Ministry of Agriculture, Cooperation &
 Farmers Welfare
 Room No.115, Krishi Bhawan, New Delhi.

2. The Director
 Directorate of Oil Seeds Development
 Ministry of Agriculture & Farmers Welfare,
 Department of Agriculture, Cooperation & Farmers
 Welfare, Telhan Bhavan, Himayatnagar
 Hyderabad – 500 029 (Telangana State)

3. The Senior Accounts Officer
 Pay & Accounts Office
 Department of Agriculture, Cooperation & Farmers
 Welfare, Ministry of Agriculture, G-1, A-Block
 Ground Floor, Rajaji Bhawan
 Basant Nagar, CHENNAI – 600 090. .. Respondents

(By Advocate: Mr. V. Vinod Kumar, Sr. CGSC)

O R D E R (Oral)

By Shri B. V. Sudhakar, Member (A)

2. The OA is filed seeking directions to the respondents to grant Annual Increment, from the date of retirement for having rendered 12 months of continuing service.

3. The brief facts of the case are that the 1st Applicant was appointed as Field Man in the respondents organization on 15.11.1974 and retired on 30.,06.2008. The 2nd Applicant was appointed as Field Supervisor on

05.07.1976 and retired on 30.06.2009. The applicants retired subsequent to the implementation of the 6th Central Pay Commission recommendations wherein the increment date was uniformly fixed as 1st July of the year. However, since the applicants retired on 30th June, they were not granted increments, though they have put in 12 months of service. Aggrieved, OA has been filed.

4. The contentions of the applicants are that a similarly placed pensioner, who retired on 30th June, approached the Chennai Bench of this Tribunal in OA 917 of 2015, but the relief of grant of increment was rejected on 21.03.2017. Thereupon, the rejection was challenged in the Hon'ble High Court of Judicature in Madras in WP No.15732 of 2017 wherein, the relief sought was granted vide Judgement dated 15.09.2017, by relying on the judgment of the Hon'ble High Court in the case of **State of Tamil Nadu Rep. by its Secretary to Government, Finance Department & Others v. M. Balasubrahmaniam** in WP No.8440 of 2011 dated 20.09.2012 [reported in CDJ 2012 MHC 6525]. The WP was challenged in SLP (Civil) Diary No(s).22283 of 2018 [SLP (Civil) No.22008/2018] which was dismissed on 23.07.2018. Thereafter, the applicants represented for grant of the relief sought but in vain.

5. The respondents in the reply statement while confirming the Judgments delivered by the Hon'ble High Court of Madras, in WP

No.15732 of 2017, and the dismissal of the consequent SLP, they have taken up the matter with DoPT for advice. The DoPT vide letter dated 19.09.2019, informed that the Judgement of the Hon'ble High Court of Madras in **P. Ayyamperumal's** case is in *personam* and does not apply to others.

6. Heard both the counsel and perused the pleadings on record.
7. (I) The Judgement of the Hon'ble High Court of Madras, in W.P.No.15732 of 2017 dated 15.9.2017, reads as under:

“7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. 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 his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

As can be seen from the judgement, it was nowhere stated that the judgement is in *personam*. The verdict of the Hon'ble High Court of Madras was challenged in the Hon'ble Supreme Court vide SLP (Civil) Diary No(s).22283 of 2018 [SLP (Civil) No.22008/2018] which was dismissed on 23.7.2018. The Review Petition (C) No.1731/2019 filed in SLP (Civil) No.22008/2018, against the order dated 23.07.2018, was

also dismissed vide Order dated 08.08.2019. Therefore, the matter had come to the logical end.

(II) A similar case, OA No.780/2019 [filed by **Dr. K. Satyanarayana & Others**], came up for hearing before this Tribunal on 30.08.2019, wherein the respondents were directed to act as per the judgements rendered by the Hon'ble High Court of Madras and the Hon'ble Supreme Court.

(III) In view of the judgements rendered by the superior judicial forums, the applicants are eligible for increment on 1st July and, therefore, the respondents are directed to act in accordance with the cited judgements for re-fixing pension/pensionary benefits and release of consequential benefits thereof, within a period of 6 months from the date of receipt of a copy of this order.

(IV) With the above directions, the OA is allowed. No order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

nsn