

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A./100/4637/2014

New Delhi, this the 5<sup>th</sup> day of March, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. A.K. Bishnoi, Member (A)**



Shri Nagendra Kumar, Age 49 years  
Assistant Director (Raj Bhasha)  
Resident of A-1/C, G-8 Area,  
Rajouri Garden, Mayapuri,  
New Delhi

...Applicant

(Through Shri Khairati Lal, Advocate)

Versus

1. Union of India  
Through the Assistant Director,  
Ministry of Commerce and Industry,  
Department of Commerce (Supply Division)  
16-Akbar Road Huments,  
New Delhi-110001
2. Assistant Controller of Accounts,  
(D.G.S & D)  
Dept. of Commerce (Supply Division)  
15, R.N. Mukherjee Road,  
Kolkata-700001
3. The Commissioner  
Custom & Central Excise,  
48, Hoshangabad Road,  
Administrative Area,  
Arina Hills,  
Bhopal-462011 (M.P.)
4. The Commissioner,  
Directorate of Publicity and Public Relations  
Customs and Central Excise,  
C.R. Building, I.T.O.  
New Delhi-110002
5. The Director  
Directorate General of Inspection  
Customs and Central Excise, I.P. Estate,  
I.P. Bhawan, D Block, Drum Shape Building,  
New Delhi-110002

6. The Director,  
 Directorate of Data Management  
 Custom & Central Excise, G.K.-II  
 DLF Centre, Sabitri Cinema  
 New Delhi ... Respondents

(Through Dr. Ch. Shamsuddin Khan, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman



The applicant was appointed as Junior Hindi Translator in the office of the Chief Controller of Accounts, Department of Commerce, in the year 1992. He was on deputation to the office of Principal Director of Audit, Kolkata – 2<sup>nd</sup> respondent herein between 1998 and 2000. Thereafter, he went on deputation to the office of Commissioner, Customs and Central Excise, Bhopal – 4<sup>th</sup> respondent herein between 27.02.2009 and 9.03.2013. It is stated that for the period referred to above, the 4<sup>th</sup> respondent has passed an order dated 27.12.2013, sanctioning increments which became due on 1.07.2010 and 1.07.2011.

2. The applicant contends that due to non-availability of his Service Book, the benefit of increments is not given. In this OA, he prayed for the relief in the form of direction to the respondents to extend benefit of increments with interest.



3. Respondents 1 and 2 filed separate counter affidavits. According to them, the period for which the applicant is claiming benefit, he did not work in their office and relief if at all, is to be granted by the 4<sup>th</sup> respondent herein.

4. We heard Shri Khairati Lal, for the applicant and Dr. Ch. Shamsuddin Khan, for the respondents.

5. Initially, the applicant went on deputation to the 2<sup>nd</sup> respondent and, after some time, he went on deputation to the 4<sup>th</sup> respondent. For the period during which he worked in the office of 4<sup>th</sup> respondent, the increments were granted though his Service Book was not available. The order dated 27.12.2013 passed by the Customs and Central Excise Department, New Delhi, consequent upon his repatriation to the parent department, reads as under:

“Sh. Nagendra Kumar, AD(OL), was posted in this office from 26.02.2010 to 26.06.2012. He was not granted the increment due on 01.07.2010 and 01.07.2011 as his service book was not sent by his previous office DPPR, New Delhi. He has been relieved from this office on 26.6.2012 to join in the office of System and Data Management. It is requested to make necessary payment and necessary entries in the service book may be made accordingly. His filled up increment proforma is enclosed herewith for necessary action at your end.

However, on the basis of pay fixation order and LPC received from Bhopal office, the increment due on 01.07.2010 and 01.07.2011 are hereby granted.

This issues with the approval of ADG (Admn.)”

The two increments were sanctioned and naturally the applicant was entitled for the same.



6. A perusal of the counter affidavit filed by the 1<sup>st</sup> respondent discloses that the applicant did not report for duty immediately on being repatriated and he was out of duty for more than six months. The record is silent as to the factors that contributed to the non-release of increments to the applicant. The applicant is also not able to inform the Tribunal as to the method of increments that have been allowed to him from time to time. Even now he can make a comprehensive representation to his employer, claiming the benefit of increments and the latter, in turn, shall take necessary steps, if necessary by consulting the department to which the applicant went on deputation.

7. With the above direction, the OA is disposed of. There shall be no order as to costs.

(A.K. Bishnoi)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/dkm/

