

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 041/00002/2021

Date of Order: This, the 11<sup>th</sup> Day of March, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**  
**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**

Sri Dipak Chakrabarty  
S/o Lt Dharendra Ch. Chakraborty  
Arabinda Sarani  
P.O. - Arundhutinagar  
Pin – 799003, District- West Tripura.



**... Applicant**

- Versus -

1. The Union of India  
Represented by the Secretary  
Ministry of Finance, North Block  
Government of India, New Delhi – 110001
2. Central Board of Indirect taxes and Customs  
Represented by the Chairman, Ministry of  
Finance, Govt. of India, North Block, New  
Delhi – 110001
3. The Secretary, Department of Personal and  
Training Ministry of Personal, P.G. and  
Pensions, GOI, North Block, New Delhi –  
110001

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4. The Chief Commissioner, Goods and Service Tax and Customs, CBIC, GOI, GST Bhawan, Kedar Road, Mach Khowa, Guwahati

**...Respondents.**

For the Applicant : Sri C.S. Sinha

For the Respondents : Sri R. Hazarika, Addl. CGSC

**ORDER (ORAL)**



**MANJULA DAS, MEMBER (J):-**

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals act, 1985 asking for the following reliefs:-

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant notional annual increment to the applicant for his service for the period of 01.07.2017 to 30.06.2018 and re-fix Pensionary benefits accordingly with all consequential benefits including finance.
- 8.2 That, the Hon'ble Tribunal be pleased to declare the order in letter F.A-23011/36/2013-Ad.II.A. dated 18.10.2019 issued by the Ministry of Finance, Department of Revenue, Central Board of indirect Taxes & Customs is bad in law.

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8.3 The Hon'ble Tribunal would be pleased to pass any other relief(s) which may deem fit and proper in the instant case.

8.4 Any other relief entitled to the applicant."

2. We have heard Sri C.S. Sinha, learned counsel for the applicant and Sri R. Hazarika, learned Addl. CGSC for the respondents.

3. At the outset of moving the instant O.A., Sri C.S. Sinha, learned counsel for the applicant submitted that the applicant entered service in 1976 as UDC and retired on 30.06.2018 as Superintendent. But his annual increment for the full period from 01.07.2017 to 30.06.2018 has not been given illegally. Sri Sinha further submitted that in similar nature in the case of P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench & Ors. In W.P. NO. 15732 of 2017, the Hon'ble High Court of Judicature at Madras has already entertained the matter vide its judgment and



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order dated 15.09.2017 wherein the Hon'ble Madras High Court has held as follows:-

"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 through the date of increment falls on the next date 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."



Accordingly, learned counsel for the applicant fervently prays similar direction in case of the present applicant also.

4. By accepting the prayer made by Sri C. Sinha, learned counsel for the applicant as well as without going into the merit of the case, we hereby direct the respondent authorities to verify as to whether the

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present applicant is similarly situated with the aforesaid case (supra) or not. If he is found to be similarly situated, similar benefits be granted to him, within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, O.A. stands disposed of at the admission stage itself. No order as to costs.



**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**

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