

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/00720/2020**

HYDERABAD, this the 15<sup>th</sup> day of October, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. NHK Prakasha Rao S/O- Late Laxman Swamy  
Age-68yrs, Occ- , R/o- Door No.65-4-394,  
Opp.RTC Depot,Gajuwaka, Visakhapatnam – 530026.
2. V.Appala Raju, S/o Late Rama Raju,  
Age-66yrs, Occ- , R/o-Door No.37-10-179,  
Ayyapa Nagar, Visakhapatnam – 530007
3. K.Narsimha Raju S/O late Vijaya Rama Raju,  
Age-69yrs, Occ- , R/o- D.N-50-1-54/4, Surya enclave,flat no-1,  
TPT North extn,Sitamdhara,VSP-13
4. S.M.Basha,S/O late S.Ghouse Mohiddin,  
Age-66yrs, Occ- , R/o- D.N0-25-7-475, C-Block,9<sup>th</sup> street,  
Vengal Rao Nagar,Nellore-524004.
5. P.Kamala,W/O Late P.Soma Sekhar Rao,  
Age-71yrs, Flat-MIG-1/74,D. No11-29,  
RHB Colony, PM Palem , Visakhapatnam – 530041
6. M.Siva Nageswara Rao, S/o Late Pitchayya,  
Age-66yrs, Occ- , R/o- Door No-26-23-5,1/3,  
Chaitanya Nagar, Old GWK, VSP-26
7. J.Venkateswara Rao.S/O late J.Anjaiah,  
Age-66yrs, Occ- , R/o- D.N-26-31-14,Chaitanya nagar,  
Old Gajuwaka,VSP-26
8. Challa Simhadri, S/o C.Mahalaxmi  
Age-68yrs, Occ- , R/o- Door No-44-45-40/A,  
Narendra Nagar, Rly New colony, Visakhapatnam 530016
9. Surakasula Ramana, S/o SPothu Raju,  
Age-62yrs, Occ- , R/o- Door No 21-79/2,  
Kakani Nagar,NAD (Post), Visakhapatnam – 530009
- 10.P.Ramana,S/O Late P.Rama Swamy,  
Age-67yrs, Occ- , R/o- DN-37-10-77/1,  
Ayyappa nagar,P.R.Gardens,VSP-7

11. Akkilam Someswar Rao, S/O Late-A. Tyaga Raju,  
Age-70yrs, Occ- , R/o- D.No1/65,  
TarakaRamanagar, Madhurawada, VSP-41
12. PRM Sharma. S/O Late .P. Ramakrisna Rao,  
Age-63yrs, Occ- , R/o- D.N-6-61,  
Prasanthi nagar, , Vepaguntha, VSP-47
13. K. Damodara Rao, S/O Late Chandrudamma  
Age-67yrs, Occ- , R/o- D.N-49-47-8/14 Flat No-303,  
PAR Residency, Santhipuram colony, NGOS Colony VSP-16
14. Turubilli Satyam, S/o Late T Satyam  
Age-62yrs, Occ- , R/o- Door No. 21-126,  
Venkatadri Nagar, Prahlada Puram (Po), Visakhapatnam 530002
15. S. Bhaskar Rao, S/o Late Bheema Rao  
Age-65yrs, Occ- , R/o- D.N-1-1/2, Ganesh sai  
nagar, Kothapalem, VSP-27
16. SKK Prusty, S/O Late S. Rama Chandra Prusty  
Age-61yrs, Occ- , R/o- D.No-10=21, Durga nagar,  
RRV Puram, VSP-29
17. Prabhakar Bisoyi, S/O late-Raghunath Bisoyi  
Age-63yrs, Occ- , R/o- D.N-65-1-212/B, Patrudu colony,  
Srinivasa nagar, Sriharipuram, VSP-11
18. B.S. Naidu, S/o Late Tavithi Naidu  
Age-67yrs, Occ- , R/o- Plot No-101, Kanakaparameswari temple  
Block, Kailash Nagar, Gajuwaka, Vizag 530026
19. B.P. Ranga RAO S/O late. B. Appala Swamy  
Age-74yrs, Occ- , R/o- House no-102,  
Siva nagar, Marripalem, VSP
20. P.B. Gangadhara Rao. S/O Late Ramakrishnayya  
Age-72yrs, Occ- , R/o- Flat No102, Tarakaramaenclave ,  
D.N-58-1-235/60, VUDA Apprtnt. NADX Road, VSP-9
21. Ch. Suri Babu. S/O Ch. Seethanna  
Age-62yrs, Occ- , R/o- D.N-49-46-3/5,  
Akkayyapalem, VSP-16
22. G. Sreeramulu, S/o Late G. Reddi Naidu  
Age- 72yrs, Occ- , R/o- Door No. 26-25-08,  
Chaitanya Nagar, Old Gajuwaka, Visakhapatnam 530026
23. D. Tata S/O Late. D. Suryanarayana



Age-70yrs, Occ- , R/o- D.No-15-81,  
Virat Nagar.VSP-29

24.D.V.Gopalam,S/OLate D.Ramachandrudu  
Age-66yrs, Occ- , R/o- D.N-15-83,  
RRV Puram,Virat nagar,VSP-29

25.Medida Nagendra Prasad S/O Late M.Satyanarayana  
Age-68yrs, Occ- , R/o- D.No-65-3-337,  
Ex.Serviceman Colony, Sriharipuram,VSP-11



26.M.D.Mohibulla, S/o Late. Abdul Azeez  
Age-70yrs, Occ- , R/o- D.No-31-8-2,1<sup>st</sup> Floor, Bangaramma metta,  
Allipuram, Visakhapatnam – 530004

27.PillaBhaskara Rao, S/o P.Suryanarayana  
Age : 72 yrs, Occ Retd, R/oDoor No.MIG-I-451,APHB Colony,  
  
PM Palem, Visakhapatnam – 530041

28.A.Satyakumar, S/O Late.A.Ramachandra Murthy,  
Age 66 yrs, Occ- ,R/oD.N-39-16-53/6,  
F-3.BangaruammaResidency,Madhava dhara,VSP-7

29.M.K.Velayudhan,S/o Late MK Moothoran,  
Age 64 yrs, Occ:Retd, R/o-CheekanniKuniyil (House),  
Vattoli Bazar (Po) Panangad,Balusseri,Kozhikkode  
(Dt),Kerala-673612.

30.CH. VenkateswarRao S/O Simhachalam  
Age-63, Occ- , R/o-Door No. 21-22-4/4,  
KakaniNagar,NAD (Po), Visakhapatnam - 530009

31.Chenna.Paidy Raju, S/o Polayya  
Age-73, Occ- , R/o-D.No -20-52-5, Rallivedhi,  
AVN.College Road,Visakhapatnam 530001

32.CH.Appa Rao.S/O Late.Suri  
Age-63 yrs, Occ-Retd, R/o- Surya Nilayam, Door No. 21-81/1,  
KakaniNagar,NAD (Post), Visakhapatnam – 530009

33.M.Rama Rao,S/O-late M.Appla Naidu  
Age-65 yrs, Occ-Retd, R/o-D.No-1-1,Kota Nurava Post,  
Gopalapatnam VSP-27

34.N.Rama Rao,S/O late Ykuntam  
Age-64, Occ-Retd, R/o-D.No-7-22-9,Flat-504,Sneha Towers,  
Kirlampudilayout,VSP-18

35.K.Subba Rao,S/O late K.Pullayya  
Age-60, Occ-Retd, R/o-D.No-38-31-89/1,Sri Harsha Nagar,  
Marripalem,VSP-18

36.G Basava Rao, S/o-Late Nagabhushanam  
Age-64 Yrs, Occ-Retd, R/o-D.N-26-23-3/11, Chaitanya Bharathi  
Apprt. Chaitanya Nagar, Visakhapatnam - 530026.

...Applicants

(By Advocate : Mrs.Anita Swain)

Vs.



1. The Union Of India,  
Rep by its Secretary, Ministry of Defence,  
South Block, New Delhi, 110011
2. The Chief of Naval Staff,  
IHQ, MOD(Navy) Integrated Headquarters,  
Ministry of Defence, Sena Bhavan, PO. DHQ,  
New Delhi-110011,
3. Flag Officer-Commanding in Chief.  
Head quarter Eastern Naval Command,  
Naval Base, Visakhapatnam, 530014
4. The Admiral Superintendent,  
Naval Dockyard, Naval base, Naval Dockyard Visakhapatnam
5. The Project Director, Ship Building Centre,  
Varuna Block, Visakhapatnam, 530014.

....Respondents

(By Advocate : Mrs. L.Pranathi Reddy, Addl. CGSC)

---

**ORAL ORDER**  
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

**Through Video Conferencing:**



2. This OA is filed for grant of notional increment due to the applicants on 1<sup>st</sup> July of different years of retirement having retired from service on the 30<sup>th</sup> June of the relevant year, with consequential benefits.

3. Brief facts of the case are that the applicants retired from the respondents organization on 30<sup>th</sup> June of different years from 2006 to 2020. The grievance of the applicants is that they were supposed to be granted increment due on 1<sup>st</sup> of July of the year of retirement, but they were not granted despite making representations. Aggrieved, the OA has been filed.

4. The contentions of the applicants are that they are entitled for the relief sought in the OA, basing upon the judgment of the Hon'ble Madras High Court in WP No. 15732/2017, which attained finality. Applicants cited the order of this Tribunal in OA No. 1155/2018, dt. 13.03.2020 and contend that they are also similarly placed as that of the applicant therein and therefore, they are entitled for similar relief. They submitted representations from 27.02.2019 to 27.08.2019 and also through Union on 04.08.2019 and some of the representations were rejected. They contend that when one set of employee are extended the benefits, the same cannot be denied to other similarly placed employees as per the judgment of the Hon'ble Apex Court in Inder Pal Yadav v. Union of India and K.C. Sharma v. Union of India.

5. Heard both the counsel and perused the material on record.

6. This Tribunal earlier granted similar relief in some OAs. In OA No.1155/2018, this Tribunal passed an elaborate order discussing the issue on hand threadbare and following the same, several other OAs were disposed. Subsequently, on 17.07.2020, in OA Nos. 325/2020 & Batch, this Tribunal passed a detailed order on the same subject. Some of the observations, and the conclusions made in OA No. 325/2020 & batch, are as under:



*“XVII. Continuing their defence, respondents have stated that the Hon’ble High Court of Delhi in W.P (C) No. 9062/2018 & C.M No 34892/2018 has rejected similar relief in regard to increment and enhanced DA on 23.10.2018 even by referring to P. Ayyamperumal Judgment. However, the Hon’ble Delhi High Court in its later judgment in W.P (C) 10509/2019 in Gopal Singh v U.O.I did grant a similar relief on 23.01.2020, as under:*

*“8. More recently, this Court in its decision dated 13th January, 2020 in W.P.(C) 5539/2019 (Arun Chhibber v. Union of India) has discussed the judgment in P. Ayyamperumal at some length in the context of the prayer of an officer of the Central Reserve Police Force (‘CRPF’) who had retired on 30th June, 2007 for notional increment. The Court rejected the contention of the Respondents therein that the judgment in P. Ayyamperuamal had to be treated as one that was in personam and not in rem. In relation to the Respondent’s attempt to distinguish the applicability of the judgment in P. Ayyamperumal to CRPF personnel, the Court observed as under:-*

*“5. The Court finds that the only difference, if any, between P. Ayyamperumal (supra) and this case is that the former was an employee of the Central Government, whereas here the Petitioner superannuated from the CRPF. The Court, therefore, finds no reasons to deny the Petitioner same relief granted to Mr. P. Ayyamperumal by the Madras High Court. The similarity in the two cases is that here too, the Petitioner has completed one year of service, just one day prior to 1st July, 2007.”*

*9. The position here as regards CISF personnel can be no different and it was not, therefore, open to the Respondents to*

*refuse to grant to the Petitioner notional increment merely because he superannuated a day earlier than the day fixed by the CPC for such benefit to accrue.*

*10. Accordingly, the impugned order dated 3rd May, 2019 is set aside. A direction is issued to the Respondents to grant notional increment to the Petitioner with effect from 1st July, 2019. The Petitioner's pension will consequentially be re-fixed. The appropriate orders will be issued and arrears of pension will be paid to the Petitioner within a period of 6 weeks, failing which the Respondents would be liable to simple interest at 6% per annum on the arrears of period of delay."*



*It requires no reiteration that the later judgment of Hon'ble High Court of Delhi on 13.1.2020 on the same issue holds the ground. It must be noted that the Hon'ble High Court of Delhi has rejected the contention that P.Ayyamperumal Judgment is in personam on which the respondents harped by stating that the nodal Ministry i.e. DOPT has taken such a stand. Moreover, the judgment of the Hon'ble High Court of A.P. in Principal Accountant General, AP & others v C. Subba Rao & others in 2005(2) ALD 1 = 2005 (2) ALT 25 cited by the respondents to back their defence would not be relevant in view of the latest Judgment of the Hon Delhi court on 23.1.2020 referred to above and the dismissal of both the SLP (C) No.22008/2018 plus the Review Petition vide RP (C) No.1731/2019 filed thereupon against Ayyamperumal judgment in WP No.15732/2017 dt. 15.9.2017, by the Hon'ble Apex Court on 23.7.2018 and 8.8.2019 respectively, for reasons expounded in para XVI. It is also pertinent to point out that when the C. Subba Rao judgment was delivered in 2005 by the Hon'ble High Court of A.P. the rule for granting increment was the date of joining of the service/ date of promotion. The rule has been changed after the 6<sup>th</sup> CPC with the date of increment being taken as a uniform date of 1<sup>st</sup> July and as per CCS revised pay rules of 2008 after completion of 6 months of service in the grade/pay scale, one would become eligible for grant of an increment. Moreover, the concept of taking 50% of last pay drawn for granting of pension has been brought into vogue from 2006 onwards. The change in the rules subsequent to C. Subba Rao judgment have made it irrelevant.*

*XVIII) Further, the Hon'ble Ernakulam Bench of this Tribunal in OA No.180/1055/2018 and batch, vide order dt. 03.12.2019, extended the same relief as sought by the applicants by opining as under:*

*"9. We find that the Hon'ble Madras High Court had already considered the issue raised by the applicants in the present OAs, we are in full agreement with the judgment passed by the Hon'ble Madras High Court in P. Ayyamperumal's case (supra) upheld by the Hon'ble apex court.*

*10. Therefore, the impugned orders of rejection Annexure A4 in OA No. 180/654/2019 and Annexures A5 in OAs Nos. 180/1055/2018 and 180/61/2019 are quashed and set aside. The applicant in OA No. 180/109/2019 had sought relief to quash Annexure A6 which is only a reply to the question posed by a Member of Parliament in Lok*

*Sabha. The applicants shall be given one notional increment for the purpose of calculating the pensionary benefits and not for any other purpose as held by the Hon'ble Madras High Court in P. Ayyamperumal's case (supra) upheld by the Hon'ble apex court. The respondents shall implement the order of this Tribunal within three months from the date of receipt of a copy of this order. There shall be no order as to costs."*

*It is the cardinal principle of judicial discipline, as held by the Apex Court in the case of **S.I.Rooplal vs Lt. Governor of Delhi**<sup>1</sup> that precedents are to be strictly adhered to.*



XXXXX

*XXIV) In view of the aforesaid, it is evident that the respondents have transgressed the rules and laws related to the issue adjudicated upon. Therefore, the OAs fully succeed. Hence, there can be no better conclusion other than to direct the respondents to consider as under:*

*i) Re-fix the pension of applicants by allowing the eligible increment for rendering an year of service due on 1<sup>st</sup> July.*

*ii) Release pension and pensionary benefits with all consequential benefits thereof, based on (i) above.*

*iii) While releasing benefits as at (ii) above, in regard to the quantum of arrears to be released, the judgment of Hon'ble Apex Court in Union of India & Ors Vs. Tarsem Singh in Civil Appeal Nos. 5151-5152 of 2008 vide para 5, has to be borne in mind and followed.*

*iv) Time calendared to implement the judgment is 3 months from the date of receipt of this order.*

*XXV. With the above directions, the OAs are allowed to the extent stated above."*

As seen from the material, representations of the some applicants have been disposed informing the applicants that, no orders on the subject have been issued by the MoD/ DoP&T. In some other communication, the respondents state that IHQ MoD (Navy) sought for the details of the employees similarly placed in the subject court order and they are in the process of working out the details for forwarding the data to the MOD. All the communications referred to were issued in 2019. This Tribunal is of the

<sup>1</sup> (2000) 1 SCC 644

view that they are not speaking orders and proper disposal of the requests of the applicants, particularly in view of the Court orders referred to above.

In view of the above, the respondents are directed to consider and dispose of the requests of the applicants for eligible relief with consequential benefits, keeping in view the orders cited supra, by passing a speaking and reasoned orders, within a period of 3 months from the date of receipt of this order



With the above directions, the OA is disposed of at the admission stage. No order as to costs.

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

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

*evr*