

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH::HYDERANAD**

**O.A.Nos.021/0052/2020 TO 021/0065/2020  
(Batch)**

HYDERABAD, THIS THE 23<sup>RD</sup> DAY OF JANUARY, 2020.

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



**O.A.No.021/0052/2020**

Between:

J.Rama Jogi, S/o.late J.R.Sharma,  
Aged 64 years, Occ: Retd. Manager,  
R/o.H.No.17-1-391/T 234,  
Saraswathi Nagar Colony, Hyderabad – 59.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its Employees State Insurance Corporation, Rep. by the Regional Director, Hill Court Road, Hyderabad.
2. Deputy Director, ESI Corporation, Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

**O.A.No.021/0053/2020**

Between:

H.R.G.Prasad, S/o.late H.Rama Rao,  
Aged 61 years, Occ: Retd. Supdt,  
R/o.H.No.10-2-80-2, Vanamali Peral Homes,  
Flat No.101, Lingojiguda,Saroornagar,  
Hyderabad 500 035.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its Employees State Insurance Corporation, Rep. by the Regional Director, Hill Court Road, Hyderabad.
2. Deputy Director, ESI Corporation, Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0054/2020

Between:  
 B.V.Hariprasada Rao, S/o.late B.Subba Rao,  
 Aged 64 years, Occ: Retd. Supdt,  
 R/o.H.No.1-85/1, Prabathnagar,  
 Chaitanyapuri,  
 Hyderabad 500 060.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,  
 Rep. by the Regional Director,  
 Hill Court Road, Hyderabad.
2. Deputy Director,  
 ESI Corporation,  
 Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0055/2020

Between:  
 Ch.Nageswara Rao, S/o.late Mastan Rao,  
 Aged 66 years, Occ: Retd. Manager,  
 R/o.H.No.1-64/2-118-P, Vijaya Vihar,  
 E.T.Employees Housing Society,  
 Butlabetgumpet, Madhapur,  
 Hyderabad 500 081.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,  
 Rep. by the Regional Director,  
 Hill Court Road, Hyderabad.
2. Deputy Director,  
 ESI Corporation,  
 Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0056/2020

Between:  
 K.Satyanarayana, S/o.Late K.Mogulaiah,  
 Aged 62 years, Occ: Retd. MTS,  
 R/o.H.No.2-6-390,  
 Jaipuri Colony, Nagole  
 Hyderabad.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,

Rep. by the Regional Director,  
Hill Court Road, Hyderabad.  
2. Deputy Director,  
ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents.

(By advocate: Mr.N.Srinivasa Rao, Standing Counsel for ESIC)



O.A.No.021/0057/2020

Between:  
Balmukund Lal, S/o.Manohar Lal,  
Aged 64 years, Occ: Retd. Asst.,  
R/o.H.No.5-4-669, Kattelamandi (South),  
Abids, Hyderabad.

... Applicant .

(By advocate: Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
Employees State Insurance Corporation,  
Rep. by the Regional Director,  
Hill Court Road, Hyderabad.  
2. Deputy Director,  
ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents.

(By advocate: Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0058/2020

Between:  
C.Rajagopal, S/o. late Vishwanadham,  
Aged 66 years, Occ: Retd. Superintendent,  
R/o.Flat No.505, Meghana GNR Gardens Apartment,  
Anandhbagh. Malkajgiri, Hyderabad – 47.

... Applicant .

(By advocate: Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
Employees State Insurance Corporation,  
Rep. by the Regional Director,  
Hill Court Road, Hyderabad.  
2. Deputy Director,  
ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents.

(By advocate: Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0059/2020

Between:  
P.Siva Nanda, S/o.Sree Ramulu,  
Aged 61 years, Occ: Retd.SSO,  
R/o.Flat No.204, Plot No.62 & 63  
Karthikeya Enclave, Road No.2, KTR Colony, Nizampet,  
Hyderabad - 90

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its Employees State Insurance Corporation, Rep. by the Regional Director, Hill Court Road, Hyderabad.
2. Deputy Director, ESI Corporation, Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0060/2020

Between:

P.Satyavani, D/o.Late G.Samba Murthy,  
 Aged 66 years, Occ: Retd.SSO,  
 R/o.C/o.M.Jagan Mohan,  
 Plot No.26, Road No.11, HMT Nagar,  
 Nacharam, Hyderabad – 76.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its Employees State Insurance Corporation, Rep. by the Regional Director, Hill Court Road, Hyderabad.
2. Deputy Director, ESI Corporation, Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0061/2020

Between:

T.L.Sandhya Rani, W/o.T.Jayapaul,  
 Aged 62 years, Occ: Retd.Supdt.  
 R/o.H.No.11-5-44/ABC, Red Hills  
 Beside Amin Towers, Hyderabad – 04.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its Employees State Insurance Corporation, Rep. by the Regional Director, Hill Court Road, Hyderabad.
2. Deputy Director, ESI Corporation, Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0062/2020

Between:

S.Venkataratnam, S/o.Venugopala Rao,  
 Aged 69 years, Occ: Retd.Asst.Director ,  
 R/o.H.No.20-265, Plot No.36,  
 Venkatasai Nagar, West Venkatapuram,  
 Secunderabad – 500 015.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,  
 Rep. by the Regional Director,  
 Hill Court Road, Hyderabad.
2. Deputy Director,  
 ESI Corporation,  
 Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0063/2020

Between:

S.Madan Mohan, S/o.Janaki Ramulu,  
 Aged 61 years, Occ: Retd.SSO,  
 R/o.Flat No.104, Pragathi Elite – II,  
 HUDA Colony, Mayuri Marg,  
 Miyapur, Hyderabad – 500 049.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,  
 Rep. by the Regional Director,  
 Hill Court Road, Hyderabad.
2. Deputy Director,  
 ESI Corporation,  
 Hill Fort Road, Hyderabad.

...Respondents.

(By advocate:Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

O.A.No.021/0064/2020

Between:

M.S.V.Prasad, S/o.late Radha Krishna Murthy,  
 Aged 62 years, Occ: Retd.Supdt.,  
 R/o.H.No.6-3/21, Prashanthnagar,  
 Near Water Tank,  
 Miyapur, Hyderabad – 500 049.

...Applicant .

(By advocate:Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
 Employees State Insurance Corporation,

Rep. by the Regional Director,  
Hill Court Road, Hyderabad.

2. Deputy Director,  
ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents.

(By advocate: Mr.N.Srinivasa Rao, Standing Counsel for ESIC)



O.A.No.021/0065/2020

Between:  
K.Lakshman Rao, S/o.late Appala Naidu,  
Aged 61 years, Occ: Retd.SSO,  
R/o.Flat No. F-2, Spacial Vista Apartment,  
Swarnapuri Colony, Ameerpet Post,  
Hyderabad – 500 032.

... Applicant .

(By advocate: Mr.K.Satyanarayana Rao)

Vs

1. The Union of India Rep. by its  
Employees State Insurance Corporation,  
Rep. by the Regional Director,  
Hill Court Road, Hyderabad.

2. Deputy Director,  
ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents.

(By advocate: Mr.N.Srinivasa Rao, Standing Counsel for ESIC)

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

2. In all the OAs, the common relief sought is to grant notional increment to the applicants, on 1st July of the respective year of retirement of the applicants, for the purpose of the pension and pensionary benefits on superannuation on 30<sup>th</sup> June of the respective year.

3. Heard learned counsel for the applicants and the learned Standing Counsel for the respondents.

4. This Tribunal had earlier disposed of similar matter in OA No. 21/780/2019, vide order dt. 30.08.2019, wherein the following order has been passed:

*“5. In the present case, respondents have replied that they have not received specific orders from the concerned Ministry and, hence, the increment cannot be drawn. Respondents counsel informed that they are awaiting further instructions in the matter.*

6. Heard both the counsel and with their consent, the matter is taken up for hearing at the admission stage, without filing reply by the respondents.

7. (I) From the material papers submitted it is evident that the Hon'ble High Court of Judicature at Madras in Writ Petition No.15732 of 2017 has held that the applicants are eligible for the increment sought for. The operative portion of the Judgement is extracted hereunder:

*“6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*

*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."

The Order of the Hon'ble High Court of Madras was challenged in SLP (Civil) No.22008/2018 (Diary No(s).22283) of 2018, wherein the Hon'ble Apex Court has observed as under:

*On the facts, we are not inclined to interfere with the impugned judgment and order passed by the High Court of Judicature at Madras.*

*The special leave petition is dismissed."*

The Review Petition (C) No.1731/2019 filed in SLP (C) No.22008/2018, against the order dated 23.07.2018, was also dismissed vide Order dated 08.08.2019. Therefore, the matter has attained finality.

*(II) The learned counsel for the respondents has submitted that they are awaiting executive instructions from the concerned ministry consequent to the judgements referred to hereinbefore.*

*(III) In view of the above, with the concurrence of both the counsel, respondents are directed to reconsider the representations of the applicants, made for grant of increments on 1<sup>st</sup> of July, keeping in view the orders of the superior judicial forums cited supra, within a period of 6 months from the date of receipt of a copy of this order, and pass a speaking and well reasoned order to the applicants. There shall be no order as to costs.*

*(V) With the above directions, the OA is disposed of at the admission stage."*

5. No doubt, learned counsel for the respondents submitted written instructions received from the respondents dated 22.01.2020, wherein, it is mentioned that the judgment of the Hon'ble High Court of Madras is in personam and it is related to the Fundamental Rules of the Tamilnadu Government only; and the representations of the applicants have been rejected by the ESIC as the matter is under examination in DOPT. However, as referred above, the judgment of the Hon'ble High Court of Madras has attained finality inasmuch as the same has been upheld by the Hon'ble Supreme Court.

6. Therefore, in view of the above order passed by this Tribunal, it is deemed fit and proper to dispose of this OA on the similar lines, as above, without going into the merits of the case.



Hence, the respondents are directed to consider the claim of the applicants for grant of increments on 1<sup>st</sup> of July or 1<sup>st</sup> of January, as the case may be, keeping in view the orders of the superior judicial forums cited supra, within a period of 6 months from the date of receipt of a copy of this order, and pass a speaking and well reasoned order to the applicants.

Thus, the OAs are disposed of, at the admission stage itself. There shall be no order as to costs.

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

**(ASHISH KALIA)**  
**MEMBER (JUDL.)**

/evr/