

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00188/2020

Date of decision: 01.10.2020

CORAM

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Pukhraj Jeenagar, S/o Shri Phoola Ram Jeengar, aged about 62 years, R/o- Nyati Nohara ke Pass, Bhinmal-343029. (Office:- worked as Postal Assistant (Postal Department).

.....Applicant

By Advocate: Mr. S.P. Singh present through VC.

Versus

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi-11001.
2. The Secretary, Government of India, Ministry of Personnel, Public Grievances and Pensions, Dept. Of Personnel & Training, New Delhi-110 001.
3. The Chief Postmaster General, Rajasthan Circle, Jaipur-302001.
4. The Director of Postal Services, O/o Postmaster General, Rajasthan Western Region, Jodhpur-342005.
5. The Superintendent of Post Offices, Sirohi Division, Sirohi-307001.
6. Sr. Account Officer C/o General Manager Finance Postal Account, Jaipur-14.

.....Respondent
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By Advocate: Mr. K.S. Yadav present through VC.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Heard Shri S.P. Singh, learned counsel for the applicant, present through Video Conferencing and Shri K.S. Yadav, Additional Central Government Standing Counsel, present, through Video Conferencing, after getting an advance notice on behalf of the respondents.

2. Brief facts of the present case are that the applicant was initially appointed as Postal Assistant on 03.05.1980 and completed more than 38 years of service and superannuated on 30.06.2018. His last pay was fixed as 60,400/-. It is the contention of the applicant that he is entitled for Rs.62,200/- as the respondents did not grant him one increment despite of rendered full year of service from 01.07.2017 to 30.06.2018. In this regard, he has relied on FR-26(a), which reads as under:-

"The increment of a government servant which falls due in a quarter may be sanctioned on the first day of the quarter even though he retires from services or expires prior to the actual date of accrual of increment."

3. Learned counsel for the applicant contended that the similar controversy has been decided by the Hon'ble Madras High Court in DB Civil Writ Petition No.15732/2017 (P. Ayyamperumal Vs. Union of India & Ors.), on 15.09.2017 and granted the reliefs in favour of the applicant therein. Against that order, the respondents therein have approached the Hon'ble Apex Court by way of filing SLP, which was also dismissed.

4. Learned counsel for the applicant further contended that the applicant preferred a representation before the respondents authority and apprise all the substantial facts and the decision of the Hon'ble High Court of Madras. But the respondents have rejected his representation without passing a detailed speaking order. Therefore, he prayed that the impugned order dated 18.08.2020 (Annexure-A/1) may be quashed and set aside and the respondents may be directed to revise the pension of the applicant by taking last pay as Rs.62,200/- instead of Rs.60400/- by granting one notional increment and further the pension of the applicant may be fixed with all consequential benefits.

5. Learned counsel for the respondents submitted that as there is no provision,hence, the prayer of the applicant has been rejected.

6. Heard the rival contentions of both the parties and perused the material available on record. We have also perused the Annexure-A/1 order dated 18.08.2020 and found that the same is cryptic in nature and also non-reasoned and non-speaking order. Therefore, the impugned order dated 18.08.2020 (Annexure-A/1) is non sustainable in the eyes of law, hence, is quashed and set aside being cryptic, non-reasoned and non-speaking in nature. The respondents are directed to treat the present OA as a detailed representation of the applicant and take a decision as per law. And if the respondents find that the judgment relied upon by the applicant is akin to the facts and circumstances of the case herein, then the respondents shall re-fix the pension of the applicant as per the rules and entitlement.

7. Accordingly, OA is disposed off at the admission stage itself. No order as to costs.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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