

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(2)

DATE OF DECISION: 11.12.1987.

REGN. NO. O.A. 1755/87.

Shri Omesh Rai Pahuja ... Applicant
Vs.

The Controller of Publications, ... Respondent.
Government of India,
New Delhi.

CORAM:

Hon'ble Mr. B.C. Mathur, Vice-Chairman.

Hon'ble Mr. G.Sreedharan Nair, Judicial Member.

For the applicant: None.

JUDGMENT.
(delivered by Hon'ble Mr. B.C. Mathur, VC).

This is an application under Section 19 of the Administrative Tribunals Act, 1985, in which the applicant has stated that his pensionary benefits on his retirement on 31.5.1986 should be allowed after taking into consideration one increment earned by him after completion of 12 months of service as on 31.5.1986. According to the applicant, his increment fell due on 1.6.1986 and since he superannuated on 31.5.1986 after completing a whole year's service, he should be given an increment of Rs. 20/- in the scale of Rs. 450-700 as on 1.6.1986 and allowed pensionary benefits like additional gratuity and encashment of salary.

2. The applicant was not present to argue his case,
was he
Nor represented by a counsel. He has mentioned in the application that the annual increments in pay scales are

governed by the provisions of Fundamental Rules, 24, 25, 26, 27 and 29 and there is nothing in these Rules which dis-entitles the applicant to have the benefit of one increment and to get retirement benefits accordingly.

3. Rule 26 of the Fundamental Rules deals with the conditions on which service counts for increment in a time-scale. The currency of annual increment is for a period of one year after the increment becomes due. In other words, the applicant would have got the advantage of one increment of Rs. 20/- from 1.6.1986 till 31.5.1987 but since he superannuated a day earlier, he is not entitled to get the advantage of this increment. According to Rule 33 of the Central Civil Services (Pension) Rules, 1972, the expression 'emoluments' means pay etc. which a Government servant shall receive immediately before his retirement. While pension is calculated on the basis of last 10 months average pay preceding the retirement date, other benefits like encashment of leave salary and gratuity will be governed on the basis of the last pay drawn. This means that these benefits will be calculated on the basis of his emoluments on 31.5.1986, the date on which he superannuated *being* and not on 1.6.1986, the latter date is relevant only for the purpose of giving him an increment during the period of next 12 months.

4. In view of the above, the application is rejected in limine.

Ercon
(G. Sreedharan Nair)
Member (J)
11.12.1987.

D. Panigrahi
(B.C. MATHUR)
Vice-Chairman.
11.12.1987.