

Reserved
CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the **01st** Day of March, 2021)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Tarun Shridhar, Member (Administrative)

Original Application No.330/00118/2021

Chandra Bhushan Shukla S/o Late Parasnath Shukla, R/o 1/665, Bhikampur Road, Vidhayak Gali Ward No.1, District Deoria- 274001.

..... **Applicant**

By Advocate: Shri Shiv Mangal

Versus

1. Union of India through its Secretary, Ministry of Communication Department of Posts, Govt. of India, New Delhi – 110011.
2. Director General, Posts, New Delhi 110011.
3. Chief Post Master General, U.P. Circle, Lucknow.
4. Director, Postal Services, Gorakhpur Region, Gorakhpur, U.P.
5. Post Master General, Gorakhpur Region, Gorakhpur.
6. Superintendent of Post Offices, Deoria Division, Deoria.

..... **Respondents**

By Advocate: Shri Chakrapani Vatsyayan

O R D E R

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

We have heard Shri Shiv Mangal, learned counsel for the applicant and Shri Chakrapani Vatsyayan, who is representing the respondents. Perused the records.

2. The facts in brief are that the applicant was serving in the Department of Posts as S.P.M. and he was superannuated on 30.06.2020 on completing the age of 60 years. However, as the date

of annual increment is 1st July, of every year, he was denied the annual increment for the year commencing from 1st July, 2019 to 30th June, 2020.

3. By means of the instant OA, the applicant has prayed for the following relief(s):-

- “A. To issue a writ, order or direction in the nature of mandamus directing the respondents to grant one notional increment on 01.07.2020 to the applicant, for the purposes of retirement benefits only and pay the arrears of difference of retirement benefits along with 18% p.a. interest from 01.07.2020 to the date of actual payment.***
- B. To issue another writ, or direction in favour of the applicant as deem fit and proper in the circumstances of the case.***
- C. Award cost to the application in favour of the applicant.”***

4. Learned counsel for the applicant has contended that several identical matters have already been decided by this Bench and the instant OA may also be decided in the same terms.

5. Learned counsel for the respondents has opposed the OA but he has not denied the fact that several cases involving the same issue have been decided earlier by various Hon'ble High Courts and different Benches of Central Administrative Tribunal.

6. The issue involved in the instant OA is no more *res-integra*, as the judgment of Hon'ble Madras High Court has been confirmed up to Hon'ble Apex Court. Recently on 26.02.2021 in identical

matter, OA No.330/146/2021 (Pravesh Chandra Gupta vs. UOI & Ors.) has been allowed by this Tribunal. The operative portion of the aforesaid order is reproduced as under:-

“ In view of the above discussion, this Tribunal is of the opinion that the DoPT letter dated 18.10.2019 is definitely in teeth of all the above cited judgments. In wake of the undisputed fact that all the applicants have completed one year of service before their retirement on 30th June, although in different years, all the impugned orders rejecting the claim of the applicants for release of the increment are quashed and set aside. The respondents are directed to grant one notional increment to the applicants for the period from 1st July to 30th June for the respective years in which they have retired and to re-fix their pension accordingly, if the applicants are found otherwise eligible for grant of such notional increment. It is further directed that arrears be paid to the eligible applicants within three months from the date of receipt of certified copy of this order.”

7. As the applicant is also similarly situated employee, the instant OA also deserves to be decided in the same terms. Accordingly, the present OA is also allowed with the direction to the respondents to grant one notional increment to the applicant for the period from 1st July, 2019 to 30th June, 2020 in which he has retired and to re-fix his pension accordingly, if he is found otherwise eligible for grant of such notional increment. It is further directed that arrears be paid to the applicant, if eligible, within three months from the date of receipt of certified copy of this order.

8. With the aforesaid direction, the O.A. stands disposed off.

9. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

Sushil

(Justice Vijay Lakshmi)
Member (J)