

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH AT BANGALORE

ORIGINAL APPLICATION NO.170/00306/2019

DATED THIS THE 22ND DAY OF JANUARY, 2020

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

K Subramanian
S/o V Kanniyappan
Aged 62 years,
Retired Helper/Engineering/SBC Division,
R/o # 5/1,
1st Block, 1st Cross,
Ramaiah Nilayam,
Yeshwanthpur
Bangalore-560 022.

...Applicant

(By Advocate Shri.K.Shivakumar)

Vs.

1. Union of India,
Rep Secretary, Railway Board,
Rail Bhawan,
New Delhi-110 001.

2. General Manager,
South Western Railway
Hubli-580 020.

...Respondents

(By Shri.N.Amaresh, Senior Panel Counsel)

ORDER (ORAL)

HON'BLE DR K B SURESH, MEMBER (J)

Heard. The issue is very simple. The question is, when does one become eligible to the grant of the next increment. Is it on the closure of the required period or on the next day after that? Even on tenure appointments retirement is on the closure of time limit and not on the next day. On this we have already issued several judgments viz., in OA No.677/2019 which we quote:

“ORDER (ORAL)

SHRI.C V SANKAR, MEMBER (A)

Heard. The issue is in a short compass. The applicant retired from service on superannuation on 30.6.2014. He was lastly granted annual increment on 1.7.2013. The applicant has claimed that he had completed one year from the date of last increment and he was not granted with the next annual increment on the date of his retirement as his annual increment will fall due only on 1.7.2014 and he had already retired from service on superannuation on 30.6.2014.

2. *We have held in similarly placed cases including OA.165/2019 that he will be eligible for one more increment. The Hon'ble High Court of Madras in WP No.15732 of 2017 has already passed orders on similar lines and the SLP filed against this order has also been dismissed by the Hon'ble Apex Court in July 2018. Based on the orders we have issued in the exactly similar cases, OA is allowed. Respondents are directed to issue necessary orders with consequential benefits to the applicant within a period of 2 months from the date of receipt of the orders of this Tribunal. No order as to costs.”*

2. Therefore, the OA is allowed, the benefits to be extended within two months next. No order as to costs.

**(C V SANKAR)
MEMBER (A)**

**(DR K B SURESH)
MEMBER (J)**

/rsh/

Annexures referred to by the applicant in OA No.170/00306/2019

- Annexure A1: Copy of the Service Certificate
- Annexure A2: Copy of the Pension Payment Order
- Annexure A3: Copy of the High Court of Madras order
- Annexure A4: Copy of the Supreme Court Order
- Annexure A5: Copy of the representation dated 11.12.2018

Annexures referred to by the respondents

- Annexure R1 Copy of the Railway Service (Revised Pay) Rules, 2016
- Annexure R2 Copy of the Extract of Rule 49 of the Railway Service (Pension) Rules, 1993
- Annexure R3 Copy of the Rule 1303 of the Indian Railway Establishment Code (R-II)
- Annexure R4 Copy of the extract of Rule 50 of the Railway Services (Pension) Rules 1993
- Annexure R5 Copy of the letter dated 18.10.2019