

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/0088/2021

HYDERABAD, this the 18th day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



T.D. Ananda Rao, S/o. T.D. Sridhara Rao,
Aged about 68 years, Occ: Traffic Inspector (Retd),
South Western Railway, Hubli Division,
R/o. Flat No. 102, Venkatasai Residency,
SBI Colony, Moosaram Bagh, Hyderabad.

...Applicant

(By Advocate: Mr. M.C. Jacob)

Vs.

1. Union of India rep. by
The Secretary,
Railway Board, Ministry of Railways,
Rail Bhavan, New Delhi.
2. The General Manager,
South Western Railway, Rail Soudha,
Hubbali, Karnataka State – 580020.
3. The Senior Divisional Personnel Officer,
South Western Railways, Hubli Division,
Divisional Office, Hubbali,
Karnataka State – 580023.

....Respondents

(By Advocate : Mr. S.M. Patnaik, SC for Railways)

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

2. The OA is filed in regard to grant of notional increment to the applicant which fell due on a date subsequent to the date of retirement.



3. Brief facts of the case are that the applicant retired on 30th June of 2013. As the applicant retired the day before the due date of increment, he has not been sanctioned the increment citing the reason that he was not in service on the date of the increment. Applicant raised a grievance on 29.05.2018 in regard to the said benefit and the same has been turned down on 24.07.2018. Hence, the OA is filed.

4. The contention of the applicant is that the Hon'ble High Court of Madras in W.P.No. 15732 of 2017 vide order dt. 15.09.2017 has granted the relief sought, which has attained finality and as the applicant is similarly placed, ne need to be granted the relief sought. He further submitted that in respect of another Railway employee retired from 2nd respondent office, Hon'ble Bangalore Bench of this Tribunal granted relief vide order dt.18.12.2019 in OA No. 170/677/2019 basing on the judgment of the Hon'ble Madras High Court cited supra, and the said order has been upheld by the Hon'ble High Court of Karnataka, Dharwad Bench vide order dt. 22.10.2020 in WP No. 146967/2020 (S-CAT). Pursuant thereto, the applicant before the Bangalore Bench has been granted the benefit by the respondent organization conditionally vide order dt. 18.11.2020. As such, the applicant contends that he is also entitled for the said benefit.

5. Heard both counsel and perused the pleadings on record.

6. A similar issue fell for consideration by this Tribunal in OA No.538/2020, which was disposed of on 26.08.2020 with a direction to the respondents therein to grant the benefit. Similarly, some other OAs were also disposed of by this Tribunal on the same lines. On being challenged in the Hon'ble High Court of Telangana in WP No.20907/2020 & Batch, orders of the Tribunal have been suspended by the Hon'ble High Court at Hyderabad on 03.12.2020, by referring to the verdict of the Full Bench of the Hon'ble High Court of Andhra Pradesh.



7. In view of the above position, the respondents are directed to consider grant of relief sought by the applicant depending on the judgment of the Hon'ble High Court of Telangana on the issue, as and when it is delivered.

With the above direction, the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/