



## Central Administrative Tribunal Principal Bench, New Delhi

**O.A. No.477/2016**

This the 26<sup>th</sup> day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. A K Bishnoi, Member (A)**

Shri Chattar Singh, Aged 70 years  
Post : Fitter Grade I, Retired  
S/o Late Shri Tika Ram  
R/o 21A, Railway Colony  
Tughlakabad, New Delhi-11004

.. Applicant

(By Advocate : Mr. R.K. Shukla)

Versus

1. Union of India  
The General Manager  
Northern Railway Headquarter  
Baroda House, New Delhi.
2. The Divisional Railway Manager  
Northern Railway, Delhi Division  
Estate Entry Road, Paharganj  
New Delhi.
3. The Senior D.P.O.  
Northern Railway, Delhi Division  
Estate Entry Road, Paharganj  
New Delhi.
4. The Divisional Personnel Officer  
Northern Railway, Delhi Division  
Estate Entry Road, Paharganj  
New Delhi.

.. Respondents

(By Advocate : Mr. Satpal Singh)

**ORDER (Oral)****Justice L. Narasimha Reddy:**

The applicant was working as highly skilled Fitter in the Northern Railways. He is said to have suffered injury while in service, in 1996. Ultimately, he took voluntary retirement w.e.f. 04.04.1997. At the relevant point of time, he was in the pay scale of Rs.4,500 – 7000. The respondents fitted him in the basic pay of Rs.4,900/-. However, an order was issued later on, reducing it to Rs.4,750/- The reason stated by them was that the increment became due on 01.01.1997 and it was wrongly allowed to the applicant, though he was not present on duty at that time. It was also mentioned that the applicant was absent without leave from 27.11.1996 to 04.04.1997.

2. Earlier, the applicant filed OA No. 2853/2013, challenging the order, revising his basic pay. The OA was allowed on 18.03.2015 on the ground that the applicant was not put on notice. It was left open to the respondents to issue notice to the applicant and then to pass orders. Accordingly, the respondents issued a notice on 12.08.2015, and the applicant submitted the reply on 28.08.2015. Taking the same into account, the respondents passed an order dated 03.11.2015, stating that the basic pay of the applicant as on the date of retirement would be Rs.4,875/-. This OA is filed challenging the order dated 03.11.2015.



3. The applicant contends that the period of absence between 27.11.1996 and 04.04.1997 was treated as leave without pay and that would amount to regularization of the period. He contends that once the period was treated as leave without pay, the increment, which was already granted, ought to have been retained.

4. The respondents filed a counter affidavit. It is stated that for the extension of increment, it is necessary that the employee must be on duty or on a sanctioned leave, and in the instant case, the applicant was neither on duty nor on a sanctioned leave, as on 01.01.1997, and accordingly, the increment was disallowed.

5. We heard Mr. R.K. Shukla, learned counsel for the applicant and Mr. Satpal Singh, learned counsel for the respondents.

6. The applicant took the VRS way back in the year 1997 and ever since then, the dispute in relation to one increment is being continued. He was extended the benefit of increment, which was otherwise due on 01.01.1997. This was under assumption that he was on duty, as on that day. The record, however, discloses that the applicant was not on duty between 27.11.1996 and 04.04.1997 nor it was covered by any sanctioned leave.

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The mere fact that it was treated as leave without pay, does not bring it within the requirement for the purpose of extending the benefit of the increment. The respondents have taken into account, the explanation submitted by the applicant and furnished valid reasons in support of the impugned order.

7. We do not find any merit in the OA and it is accordingly dismissed. There shall be no order as to costs.

**(A K Bishnoi )**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/lg/jyoti/