

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(Through Video Conferencing)**



O.A/350/877/2021

Date of Order: 30.06.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Vijay Kumar Gond, S/o Late Kunj Bihari Gond, aged about 61 years, worked as Section Officer (General) CSIR (Indian Institute of Chemical Biology, Kolkata) residing at 143, P.K. Guha Road, 2 No. Rail Gate Dumdum Cantonment, Kolkata-700028

.....Applicant

Versus

1. Union of India service through the Secretary, Ministry of Science and Technology Bhawan, New Mehrauli Road, New Delhi-16.
2. The Joint Secretary (Admn) Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001.
3. The Director General, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001.
4. The Director, CSIR Central Glass & Ceramic Research Institute, 196, Raja S.C. Mullick Road, Kol-32.
5. The Section Officer (Estt.) CSIR Central Glass & Ceramic Research Institute, 196, Raja S.C. Mullick Road, Kol-32.

.....Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel
Mr. Arpa Chakraborty, counsel
For The Respondent(s): Mr. S. Das, counsel
Mr. J. K. Unnikrishnan, counsel

ORDER (O R A L)

Per: Dr. Nandita Chatterjee, Administrative Member

Aggrieved at non receipt of one notional increment from the period 1st July, 2019 to 30th June, 2020, the applicant, a superannuated employee, has approached this Tribunal praying for the following relief:

- "8.(i) An order do issue directing the respondents to grant one notional increment from 1st July, 2019 to 30th June 2020 on which date applicant has retired and to refix his pension and other pensionary benefits and also to grant arrears.

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2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that, the applicant was working as a Section Officer (G) at CSIR, Indian Institute of Chemical Biology and superannuated w.e.f. 30th July 2020. According to the applicant, he is entitled to one notional increment from the period 1st July, 2019 to 30th June, 2020. Upon being denied the same, the applicant approached the authorities at Annexure A-3 to the O.A., praying for consideration of his prayer for the said notional increment in the light of orders and judgements of the Hon'ble High Court (Lucknow Bench) in the case of **PP Pandey vs Union of India & Ors**, that relied on the judgment of the Hon'ble Madras High Court in **M. Balasubramaniam vs State of Tamil Nadu & Ors** and also further orders of the Hon'ble Madras High Court in the case of **P. Ayyamperumal vs. Union of India and Ors**, wherein notional increment were granted to the applicants for the period from 01.07.2012 to 30.06.2013, as the petitioner therein has completed one full year of service as on 01.07.2013.

Ld. Counsel for the applicant would further submit that, the orders in **P. Ayyamperumal (supra)** were upheld at the level of the Hon'ble Apex Court and would, therefore, urge that the respondents be directed to dispose of the representation of the applicant at Annexure A-3 to the O.A in the light of the abovenoted judgements.

4. As Ld. Counsel for the respondents would not controvert the pendency of such representation, we would direct the addressee respondent authority or any other competent authority to decide on the representation of the applicant (Annexure A-3 to the O.A) in accordance with law and, particularly, in the light of the judicial ratios cited therein supra, within a period of 16 weeks from the date of receipt of a copy of this order. The said authority shall convey his decision in the form of a reasoned and speaking order to the

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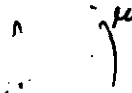
applicant and, in the event the applicant's claim is found to be justified, the authorities shall arrange to release the benefits to which the applicant is lawfully entitled within a further period of 12 weeks thereafter.

We make it clear that we have not entered into the merits of this matter, and, hence, the respondent authorities are at liberty to decide on the issues raised in the representation strictly as per law.

5. With the above directions, the O.A stands disposed of. There will be no orders as to costs.



(Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)