

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH: ALLAHABAD

Registration No.O.A.No.124 of 1989.

Date of order: 30.5.1994

Ram Ashrey ... Applicant

versus

Union of India and others ... Respondents

Counsel for the applicant ... Sri Bashist Tewari

Counsel for the respondents: ... Sri Prashant Mathur

Coram: Hon'ble Mr. Justice R.K.Varma, V.C.(Patna Bench)

ORDER

Hon'ble Mr. Justice R.K.Varma, Vice-Chairman(Patna Bench)

In this case the controversy raised by the petitioner is regarding fixation of his pay admissible prior to the date of his retirement i.e. on 31.10.1987 and the pensionary benefits accordingly. The petitioner was working as Chargeman 'B'(Wagon Trade) and he was given the ~~last~~ increment ^{on} ~~from~~ 1.9.1986 when his pay was raised to Rs.1480/-. The petitioner expected his next increment ^{on} ~~from~~ 1.9.1987 before the date of his retirement i.e. 31.10.1987 but he was not allowed the last increment before his retirement on the ground that the petitioner has taken 'Leave not due' for a long period before his retirement, which has the effect of

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postponing the date of increment beyond the date of his retirement.

2. On 12.7.1993 it was stated by the learned counsel for the respondents that in the Leave account of the petitioner the 'leave due' was exceeded by 88 days and that he was on leave without pay for 88 days. The respondents were directed to produce the leave account of the petitioner. The respondents have accordingly produced before me the leave account of the petitioner. From perusal of the leave account of the petitioner it is found that the 'leave due' to the petitioner was exceeded by 51 days ^{Mr} and not 88 days. It is also noticed that the petitioner has not been asked to verify the leave account before his retirement. However, even on the assumption that the respondents have correctly maintained the leave account in respect of the petitioner for the period after 1.9.86 till the date of petitioner's retirement on 31.10.1987, the date of his increment should be deferred by 51 days ^{Mr} and not by 88 days as wrongly stated earlier by the respondents' counsel. As such the date of next increment after 1.9.86 would stand deferred by 51 days ^{Mr} and accordingly the next increment would fall due on 22 ^{Mr}.10.1987 i.e. before 31.10.1987 on which date the petitioner retired. Thus the petitioner would be entitled to be given the last increment on 22.10.1987 ^{Mr} before his retirement and as per para 606(iii) of the ^{Mr} Indian ^{Railway} Establishment Manual Vol I (Revised Edition 1989) with effect from 1.10.1987. ^{Mr}

3. I, therefore, direct the respondents to give one more annual increment to the petitioner after 1.9.1986 and before the date of his retirement and accordingly fix his pensionary benefits. The petitioner shall be given the consequential arrears on account of fixation of his pay at the time of his retirement taking into account one more annual increment due to him before the retirement. This petition is allowed as mentioned hereinabove without any order as to costs.

R. K. Varma
(R.K.Varma)
Vice-Chairman (Patna Bench)

30-5-'94