

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O.A. No.84 of 2013
Cuttack this the 20th day of March, 2013

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**

S.Krishna Rao,
Aged about 62 years,
S/o. S.Ranga Rao,
At/Po/PS-Chhatrapur,
Dist. Ganjam,
Retired as Jamadar Peon,
East Coast Railway,
Khurda.

..... Applicant

By the Advocates: (M/s.P.K.Mohanty,P.K.Behera)

-VERSUS-
Union of India represented through -

1. General Manager,
East Coast Railway,
Bhubaneswar.
2. Divisional Railway Manager,
East Coast Railway,
Khurda Road.
3. The Senior Divisional Personnel Officer,
East Coast Railway,
Khurda,
Dist.Khurda (Odisha).

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4. Divisional Accounts Manager,
East East Railway,
Khurda Road.

..... Respondents

By the Advocates: (Mr.T.Rath)

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A.K.PATNAIK, MEMBER (J)

Applicant (S.Krishna Rao) a retired Jamadar Peon of the East Coast Railway has filed this Original Application praying for direction to the Respondents to sanction and disburse the Annual Increments w.e.f. 01-08-1993. His contention is that despite no disciplinary/criminal case pending against him he was not paid his dues of annual increments w.e.f. 1.8.1993 and for such non- sanction of his Annual Increment, he has been receiving lesser pension than what he was/is entitled to after his retirement w.e.f. 31.02.2011. His further contention is that he has made representation requesting release of his Annual Increments followed by lawyer's notice but for no vein. Hence he has prayed for intervention of this Tribunal.



2. Heard Mr.P.K.Mohanty, Learned Counsel appearing for the Applicant and Mr. T.Rath, Learned Standing Counsel for the Respondent-Railway and perused the records.

3. Every year on its successful completion, as per Rules, an employee is entitled to increment which can only be stopped as a measure of punishment either major or minor disciplinary proceedings. In absence of any such specific order no employee can be deprived of his right to get increment on completion of one year of service. It is the positive case of the Applicant that he has not been visited with any punishment. Therefore, non-sanction of the annual increment is certainly an act de hors the Rules/is not sustainable.

4. Be that as it may, at this stage I do not express any opinion for non drawal of the annual increment of the applicant was just and proper which can best be decided by the authority before whom the representation at Annexure-A/3 dated 26.06.2011 is stated to be pending. All that I can say at this stage that when a retired Class-IV/Group D employee submitted representation making a grievance that his annual increment has not been sanctioned/paid w.e.f. 1.8.1993 the said

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authority should not have maintained golden silence without giving a reply. Hence, without expressing any opinion on the merit of the matter at this stage, this Original Application is disposed of with direction to the Senior Divisional Personnel Officer, East Coast Railway, Khurda/Respondent No.3 to look to the grievance of the applicant as raised in his representation at Annexure-A/3 and communicate the decision in a reasoned order to the applicant within a period of 60 days from the date of receipt of copy of this order. If it is the opinion that annual increment though the applicant was entitled to but the same has been withheld without any authority of rule/law then to pay the same to the applicant within sixty days thereafter. There shall be no order as to costs.

5. Copy of this order along with paper book be sent to the Respondent No.3 at the cost of the applicant for which learned counsel for the applicant undertakes to deposit the required postal requisite in the registry by 22.03.2013.

Alees
(A.K.Patnaik)
Member (Judicial)