

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.512 of 1997

Date of Order:04.03.2004.

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman

Hon'ble Mr. N.D. Dayal, Administrative Member

LALCHAND PROSAD

VS.

UNION OF INDIA AND ORS.

For the Applicant : None.

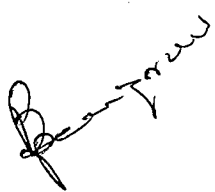
For the Respondents : Mr. R.K. De, counsel.

O R D E R

PER JUSTICE B. PANIGRAHI, VC:

None appeared on behalf of the applicant. In this application there has been a challenge by the applicant with regard to the non-grant of yearly increment for one year. The applicant has claimed that he should have been given Rs.30/- as increment and his salary should have been fixed at Rs.1530/-, accordingly his monthly pension ought to have been at Rs.765/- instead of Rs.750/-. The applicant informed the respondents to the effect that he would be granted 180 days incapacitated leave w.e.f. 13.5.1994 which would be debited against the leave due to the applicant from 04.01.1994 to 12.5.1994 and during the period the applicant was hospitalised would be treated as Hospital Leave. But the respondents informed him that all steps shall be taken to absorb the applicant in the post for which the applicant was declared medically fit in C-1 category subject to the approval of the screening committee for absorption of de-categorised staff.

2. It appears that the applicant has sent a letter requesting the respondents to allow him to avail voluntary retirement w.e.f.27.09.1994. The respondents on the basis of such letter issued an order on 28.10.1994 that he should appear before the screening committee on 12.09.1994 as to whether he could be posted as 'Chowkidar'. The applicant has alleged to have given his consent to join in the post of 'Chowkidar' on 29.12.1994. Accordingly, he was permitted to perform the duties of 'Chowkidar'. It is claimed by the



respondents that the applicant even though was permitted to perform the duties of 'Chowkidar' but he did not report for duty. On 31.12.1995, the respondent no.4 issued a service certificate whereby the detailed service of the applicant had been shown from 04.12.1957 to 28.09.1995 and the grade has been shown as ESM-Gr(I). The petitioner's sole grievance is that even though he was entitled for one more yearly increment Rs.30/- but that was wrongfully withheld by the respondents. Therefore, he had approached Pension Adalat for mitigating his grievance. But when he could not get such relief from the Pension Adalat, he filed this case for appropriate direction.

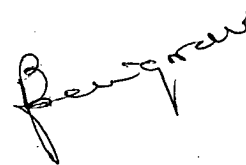
3. Mr. De, ld. counsel appearing for the respondents has submitted that the applicant had rendered service from 04.12.1957 to 28.9.1995. As per service record his last pay drawn was noted as Rs.1500/- as on 1.7.1994. Therefore, patently one more increment which fell due in the month of August, 1995 was improperly withheld. Mr. De, ld. counsel, contended that since the rule authorises respondents for withholding yearly increment if an employee/officer has not rendered any effective service in course of employment or on earned leave. From the service record we find that the respondents have noted that the applicant rendered service till 28.09.1995. In the above situation, we do not understand why the applicant shall be denied an yearly increment just before his retirement.

4. Accordingly we hereby direct the respondents to revise the pension by enhancing from Rs.750/- to Rs.765/-. The respondents shall revise the pension and release the arrears, if any, due to the applicant within 4 months from the date of communication of this order.

5. The O.A. is accordingly disposed of. However, there shall be no order as to costs.



MEMBER(A)



VICE-CHAIRMAN