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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.401/92

Date of Order: 2.12.1992.

BETWEEN:

P.Yellamanda

.. Applicant.

A N D

1. The Comptroller and Auditor General
of India, 10, Bahadurshah Zafar Marg
New Delhi - 110 002.

2. Government of India, rep. by
the Secretary, Ministry of
Personnel, Pensions and
Public Grievances, Govt.
of India, New Delhi.

3. Prl. Accountant General
(Audit I) Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. I.Dakshina Murthy

Counsel for the Respondents

.. Mr.G.Parameswara Rao,
S.c.f. I.A and A.D.

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. Chandra

Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.)

This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act to direct the respondents to extend the benefit of the increment earned by the applicant by 30.6.1992 for the purpose of retirement benefits.

2. The applicant's date of birth is 1.7.1934. He had retired on attaining the age of superannuation of 58 years on 30.6.1992 A.N. His increment in the post of Audit Officer falls due on 1.7.1992. Even though the applicant had completed one year service as Audit Officer from 1.7.1991 to 30.6.1992 the respondents had denied the ^{annual} increment due to him on the ground that the applicant had retired on 30.6.1992 A.N. and was not in service on 1.7.1992. Aggrieved by the action of the respondents, the present OA is filed by the applicant for the relief as already indicated above.

3. Counter is filed by the respondents opposing this O.A.

4. We have heard Mr.I.Dakshina Murthy, Advocate for the applicant and Mr.G.Parameswara Rao, Standing Counsel for the respondents.

5. It is not in dispute in this OA that the applicant had completed one year of service as Audit Officer by 30.6.1992. So, as the applicant had completed one year of service by 30.6.1992 the applicant is entitled for release of annual increment on 1.7.1992. As already pointed out the objection of the respondents is that he is not entitled for the said increment as the applicant had retired w.e.f. 1.7.1992 and as

Copy to:-

1. The Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi-002.
2. Secretary, Ministry of Personnel, Pensions and Public Grievances, Govt. of India, New Delhi.
3. Principle Accountant General, (Audit-I) Hyderabad.
4. One copy to Sri. I. Dakshina Murthy, advocate, 10-1-18/25 Shyamnagar, Hyd.
5. One copy to Sri. G. Parmeswara Rao, SC, ^{for I. & A. & D} CAT, Hyd.
6. One spare copy.

Rsm/-

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he is not in service from 1.7.1992. It is not necessary that the applicant should continue in service to get the benefit of the said increment. The applicant by virtue of his service for a continuous period of one year had earned one increment and he has a right for the benefit of the said increment. The denial of the said increment in our opinion is against the principles of natural justice. So irrespective of the fact whether the applicant was in service on 1.7.1992, the applicant has got a right to have the benefit of the annual increment. In view of this position, we hereby direct the respondents to release the annual increment due to the applicant that fell due on 1.7.1992 and grant all consequential benefits including pensionary benefits on the basis of the increment so released. O.A. is allowed accordingly, leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 2nd December, 1992

(Dictated in Open Court)

Deepu *10/12/92*
Reg. Shakti J. P.

sd

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P. J.

0.A. 401/92

TYPED BY _____ COMPARED BY _____
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY _____ APPROVED BY _____
HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. _____ V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 2/12/1992

ORDER/JUDGMENT:

~~R.A./C.A./M.A.~~ No.

in

O.A. No.

401/92

T.A. No.

(W.P. No. _____)

Admitted and Interim directions issued

0A Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

