

(5)

(8)

ANNEXURE-I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

O.A.No.401/92

Date of Order: 2-12-1992.

Between:  
P.Yellamanda

.. Applicant

and

1. The Comptroller and Auditor General of India, 10 Bahadurshah Zafar Marg, New Delhi - 110 002.
2. The Government of India, rep. by its Secretary, Ministry of Personnel, Pensions, Public Grievances, Govt. of India, New Delhi.
3. The Principal Accountant General, (Audit-I), Andhra Pradesh, Hyderabad.

.. Respondents

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Counsel for the Applicant

... Mr.I.Dakshina Murthy

Counsel for the Respondents

... Mr.G.Parameswara Rao  
S.C. for I.A. and A.D.

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CORAM:

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

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

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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

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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 is entitled for release of annual increment on 1-7-1992. As already pointed out the objective 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 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

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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.

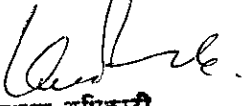
CERTIFIED TO BE TRUE COPY

Sd/- xx xx xx xx 14/12/1992  
Central Administrative Tribunal,  
Hyderabad Bench, Hyderabad.

Copy to:

1. The Comptroller and Auditor General of India,  
10, Bahadurshah Zafar Marg, New Delhi-002.
2. The Secretary, Ministry of Personnel, Pensions,  
and Public Grievances, Govt. of India, New Delhi.
3. Principal Accountant General, (Audit-I), Hyderabad.
4. One copy to Sri I.Dakshina Murthy, Advocate, 10-1-18/25,  
Shyamnagar, Hyderabad.
5. One copy to Sri G.Parameswara Rao, SC for IA and AD, CAT,  
Hyderabad.
6. One copy spare.

//True copy //

  
अनुमान अधिकारी  
Section Officer  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद/HYDERABAD

ANNEXURE-II

From

M.Ramanatha Rao,  
10-1-18/26, Shyamnagar,  
Hyderabad-500 004.

To

The Principal AG (Audit I),  
A.P., Hyderabad-500 063.

Sir,

Sub: Grant of retirement benefits with reference to  
last pay drawn.

\*\*\*\*\*

I wish to introduce myself as a retired Sr.Audit Officer,  
the date of my retirement being 31-8-1988.

2) I drew pay @ Rs.3,300/- in the post of Audit Officer  
w.e.f. 1-9-1987. Although the next increment fell due on 1-9-88,  
I was not given the benefits on the ground that I was deemed to  
have retired on 31-8-1988 A.N. I had completed the requisite  
period of one year's service, but I was denied the benefit of the  
increment.

3) I now learn that Sri P.Yellamanda, Audit Officer who  
retired on 30-6-1992 AN was given the benefit of the increment  
due on 1-7-1992 for purposes of leave encashment and gratuity in  
the light of orders passed by the Central Administrative  
Tribunal, Hyderabad on 2-12-1992 in O.A/401/92.

4) I request that on the same analogy, I may be allowed the  
benefits with reference to the increment due to me on 1-9-1988.


Thanking you in anticipation of early orders.

Yours faithfully,

Hyderabad,  
Dated: 2-11-1996.

Sd/- M.Ramanatha Rao.

//True copy//

  
जनसूचन अधिकारी  
Section Officer  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद/HYDERABAD

(9) (12)

ANNEXURE-III

Indian Audit & Accounts Department,  
Accountant General (Audit) I, A.P.

No.Prl.A.G.(AU)I/Admn.III/Pen/96-97/108

Dated: 10-1-1997.

To

Sri M.Ramanatha Rao,  
Retd.Audit Officer,  
H.No.10-1-18/26,  
Shyamnagar,  
HYDERABAD-500 004.

Sir,

Sub: Release of increment in respect of Sri M.Ramanatha  
Rao, Retd.A.O. on 31-8-1988 (AN).

\*\*\*\*\*

With reference to his representation dated 2-11-1996 on the  
above subject, it is to inform that he is not eligible to draw  
the increment w.e.f. 1-9-1988 as his pay was regulated under  
proviso to Note-I below Rule 34 of C.C.S. (Pension) Rules, 1972.


The C.A.T. Judgement referred to by him applicable to only  
those who are party in the court case.

Yours faithfully,

Sd/-

SENIOR AUDIT OFFICER(ADMN)

//True copy//

  
अनुभाग अधिकारी  
Section Officer  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद/HYDERABAD

ANNEXURE-IV

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A.No.18/97

Dated: 1-5-1997.

Between:

R.Malakondaiah

.. Applicant

and

1. The Comptroller and Auditor General  
of India, 10 Bahadurshah Zafar Marg,  
New Delhi - 2.

2. The Secretary, Ministry of Personnel,  
Pensions, Public Grievances,  
Govt. of India, New Delhi.

3. The Principal Accountant General,  
(Audit-I), Hyderabad (A.P.)

.. Respondents

for the Applicant

... Mr.I.Dakshina Murthy

for the Respondent Smt.Shakti, for Sri Parameswara Rao,  
G.S.C. fourth


On going through the records it is seen that the facts of this case are identical to those in OA 401/92 disposed of by this bench on 2-12-1992. The directions issued in the said case therefore holds good for this O.A. also. It is accordingly directed that the respondents shall release annual increment due to the applicant on 1-7-1996 and to grant consequential benefits including Pensionary benefits on the basis of the increment so released.

The O.A. is allowed and disposed accordingly.

No costs.

Sd/-  
Deputy Registrar.

//True copy//

  
जनसंग अधिकारी  
Section Officer

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
हैदराबाद/HYDERABAD

(11) (14)

ANNEXURE-V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

O.A.No.862/97

Date of Decision: 16th July, 1997.

Between:

Smt.P.Chandrakanta George

.. Applicant

and

1. The Government of India, rep. by its  
Secretary, Ministry of Personnel, Pensions,  
Public Grievances, Govt. of India, New Delhi.
  2. The Comptroller and Auditor General  
of India, 10 Bahadurshah Zafar Marg,  
New Delhi - 110 002.
  3. The Principal Accountant General,  
(Audit-I), Andhra Pradesh, Hyderabad.
- .. Respondents

Counsel for the Applicant

... Party in person.

Counsel for the Respondents

... G.Parameswara Rao

CORAM:

HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

ORDER

(Per Hon'ble Sri H.Rajendra Prasad: Member (Admn.)

Heard Mrs.Chandrakanta George, Party in person and Ms.Shakti  
for the respondents.

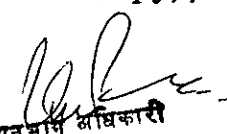
The facts of this case are identical to the facts in  
O.A.401/92 which was disposed on 2-12-1992. The respondents are  
therefore, directed to settle the claim in terms of the order  
passed in the said O.A.401/92. Action in this regard shall be  
completed within 60 days from the date of receipt of a copy of  
this order.

Thus the O.A. is disposed of.

Certified to be true copy  
Sd/-

Court Officer,  
Central Administrative Tribunal  
Hyderabad Bench.

//True copy//

  
अनुमति अधिकारी  
Section Officer  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद/HYDERABAD

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A. No. 1544 of 1997

Date of Decision: 15.12.1997

Between:

M. Ramanatha Rao

.. Applicant

AND

1. The Government of India, rep. by its  
Secretary, Ministry of Personnel,  
Pensions, Public Grievances, New Delhi.

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

3. The Principal Accountant General,  
(Audit-I), Andhra Pradesh,  
Hyderabad

.. Respondents

Counsel for the Applicant: Party-in-Person

Counsel for the Respondents: Mr. G. Parameshwar Rao

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.)

1. Heard Sri M. Ramanatha Rao, Party-in-person, and  
Mrs. Sakthi, for Sri Parameswara Rao on behalf of the respondents.

2. The applicant in this O.A. retired from service  
on 30.6.1992 on attaining the age of superannuation at 58 years.  
His next increment in the post of Audit Officer was due  
on 1.7.1992. His grievance is that although he completed  
one full year of service between 1.7.1991 to 30.6.1992, he has  
been denied the annual increment due to him on 30.6.1992 on  
the ground that his retirement coincided with the latter date.  
Hence this O.A.

*Qy/nd*

3. The learned Standing Counsel for the respondents brought to the notice of the Bench a decision rendered by the Principal Bench of this Tribunal "OMESH RAI PAHUJA V. CONTROLLER OF PUBLICATIONS ((1988 (6) ATC 937)). The issue which figures in the present O.A. was dealt with in paras 2 and 3 of the said judgment, which are reproduced below.

"

The applicant has mentioned in the application that the annual increments in pay scales are governed by the provisions of Fundamental Rules 24, 25, 26, 27 and 29 and there is nothing in these rules which disentitles the applicant to have the benefit of one increment and to get retirement benefits accordingly.

Rule 26 of the Fundamental Rules deals with the conditions in which service counts for increment is for a period of one year after the increment becomes due. In other words, the applicant would have got the advantage of one increment of Rs.20/- from 1.6.1986 till 31.5.1987 but since he superannuated a day earlier, he is not entitled to get the advantage of this increment. According to Rule 33 of the Central Civil Services (Pension) Rules, 1972, the expression "emoluments" means Pay etc., which a Government servant shall receive immediately before his retirement. While pension is calculated on the basis of 10 months' average Pay preceding the retirement date, other benefits like encashment of leave salary and gratuity will be governed on the basis of the last pay drawn. This means that these benefits will be calculated on the basis of his emoluments on 31.5.1986, the date on which he superannuated and not on 1.6.1986, the latter date being relevant only for the purpose of giving him an increment during the period of next 12 months.

"

4. In view of the position stated therein, it is not found possible to grant the relief prayed for by the applicant.

*Dr. ish*

5. The applicant submits that in two similar cases (O.A.18/97 and O.A.862/97), which were disposed by this Bench, respectively, on 1.5.1997 and 16.7.1997, a relief similar to the one prayed for by the present applicant was duly granted.

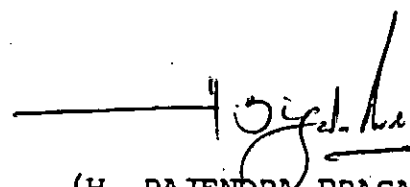
6. The decision of the Principal Bench, which was rendered by a Division Bench is binding on this Bench. The decision of the Principal Bench was apparently not brought to the notice of the Bench while disposing of the O.As cited supra.

7. It is stated by the applicant that the judgments in the above O.As have been taken on appeal to Hon'ble A.P. High Court and that they have yet to be disposed of.

8. If the appeals in OA 18/97 and 862/97, stated to be carried by the Respondents to Hon'ble High Court of Andhra Pradesh, are decided in favour of the applicants, the same can be brought to the notice of this Tribunal by way of a fresh O.A. by the applicant at an appropriate time.


With the above observations the O.A. is disallowed.

No costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

Date: 15th December, 1997

Dictated in the open court

  
Deputy Registrar

KSM

O.A.1544/97.

To

1. The Secretary, Ministry of Personnel, Pensions, Govt. of India, Public Grievances, New Delhi.
2. The Comptroller and Auditor General of India, 10 Bahadurshah Zafar Marg, New Delhi-2.
3. The Principal Accountant General (Audit-I) A.P. Hyderabad.
4. One copy to Mr. M. Ramanatha Rao, Party-in-person, 10-1-18/26, Shyamaagar colony, Hyderabad-500 004.
5. One copy to Mr. G. Parameswar Rao, SE for AG. CAT. Hyd.
6. One copy to HHRP.M.(A) CAT. Hyd.
7. One copy to D.R.(A) CAT. Hyd.
8. One spare copy.

pvm.

29/12/97

I Court

TYPED BY  
COMPAKED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 15-12-1997

ORDER/JUDGMENT:

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

in

O.A.No. 1544/97

T.A.No. (W.P.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

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| केन्द्रीय प्रशासनिक न्यायालय<br>Central Administrative Tribunal<br>भारत/INDIA<br>26 DEC 1997<br>हैदराबाद न्यायापीठ<br>HYDERABAD BENCH |
|---|