

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00609/2019
Chandigarh, this the 31st day of May, 2019

...
CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Bhagat Ram, S/o Late Sh. Tega Ram, aged 59 years, R/o House No. 47, Sector 32-A, Chandigarh (U.T.) Group B

....Applicant

(Present: Mr. Gaurav Sharma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Home Affairs, North Block, New Delhi – 110001.
2. Director, Headquarters, Subsidiary Intelligence Bureau, New Delhi – 110001.
3. Assistant Director/A, Subsidiary Intelligence Bureau, Plot No. 1-A, Sector 19-A, Chandigarh – 160019.
4. Director, Department of Personnel and Training, Government of India, New Delhi – 110001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has prayed for grant of notional increment for the purpose of retiral benefits for the year 2018-19 as he has completed 12 months in service in year 2018-19 till his retirement on 30.06.2019, which the respondents have denied him vide order dated 01.03.2019 (Annexure A-5).

2. Heard.

3. Learned counsel submitted that this issue has already been settled by the Hon'ble Madras High Court in the case of **P. Ayyamperumal Vs. The Registrar, Central Administrative**

Tribunal and Others decided on 15.09.2017, as upheld by the Hon'ble Supreme Court while dismissing the SLP filed by the State. He placed reliance on one more recent judgment by the Hon'ble Madras High Court in the case of **K. Natarajan Vs. The Government of Tamil Nadu & Others** (W.P. No. 8842 of 2018) decided on 12.04.2018, holding the petitioner therein entitled to one notional increment and all consequential monetary benefits arising there from, as he had completed one year of service on the date of his retirement.

4. Learned counsel further submitted that this Court also decided many identical cases, including the one titled **Inder Singh Vs. Union of India & Others** (O.A. NO. 060/00107/2019 decided on 05.02.2019) and remitted the matter back to the respondents to re-consider the matter in the light of the judgments relied upon by the applicant. He, therefore, prayed that the O.A. may be disposed of with a direction to the respondents to re-consider his claim in the light of the relied upon cases.

5. Issue notice.

6. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He does not object to the disposal of the O.A. in the above terms. Moreover, he is not in a position to cite any law contrary to what has been held in the indicated judgments. He, however, seeks two months time to re-consider the claim of the applicant in the light of relied upon cases.

7. In the wake of consensual agreement, arrived at between the parties, the O.A. is disposed of, in limine, with a direction to the respondents to re-consider the claim of the applicant, in the light of ratio laid down in the case of P. Ayyamperumal (supra) and other judicial pronouncements on the issue, as aforementioned. If the applicant is found similarly situated like the applicant in the relied upon cases, the relevant benefit be granted to him, otherwise a reasoned and speaking order be passed, within a period of two month from the date of receipt of a copy of this order.

8. Needless to mention, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 31.05.2019

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