

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00346/2019
Chandigarh, this the 08th day of April, 2019

...
CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)

...
MES No. – 367890, Gajinder Singh (MCM Retd) S/o Hukam Singh, aged 63 years, r/o # 264, VPO, Chomon, Near Church Adampur, Jalandhar (Punjab) – 144103.

....Applicant

(Present: Mr. K.B. Sharma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110001.
2. Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Hers, of MoD (Army), Kashmir House, DHQ, PO, New Delhi – 110001.
3. The Chief Engineer, MES, HQ Western Command, Chandimandir (PB) – 134107.
4. Headquarters, Commander Works Engineer, Jalandhar Cantt – 144001.
5. Garrison Engineer (AF), Adampur, Military Engineer Service, Pin – 900131.

Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. By way of the present O.A., the applicant has challenged the order dated 11.02.2019 (Annexure A-1) whereby his request to grant him the benefit of one increment on completion of one year of service on his retirement on 30.06.2018, has been rejected on the ground that the annual increment was due on 01st July and on that date he was not in service.

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 in the case of **Inder Singh Vs. Union of India & Others** (O.A. NO. 060/00107/2019 decided on 05.02.2019) quashed the similar impugned order 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 prayed that the similar order be passed in this case as well.

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.

In the wake of above, the impugned order dated 11.02.2019 (Annexure A-1) is quashed. The respondents are directed to re-consider the claim of the applicant, in the light of ratio laid down in

the case of P. Ayyamperumal (supra). If the applicant is found similarly situated like the applicant in the indicated case, 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.

7. 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. No costs.

(P. GOPINATH)
MEMBER (A)

‘mw’

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 08.04.2019

