

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00593/2019
Chandigarh, this the 30th day of May, 2019**

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

1. MES 312456 Gurbaksh Lal Sharma S/o Late Sh. M.R. Sharma, aged 63 years, Office Supdt (Retired) Group B Headquarters, Chief Engineer, Western Command, Chandimandir, resident of House No. 54, Gill Colony, Peer Baba Road, Baltana, Distt. Mohali – 140604 (Pb.)

2. MES 312587 Dhani Ram S/o late Sh. Gauri Datt aged 63 years, Office Supdt (Retired), CWE Shimla Hills Jotogh, resident of village Jarol, PO Shalaghat, Tehsil Arki, Distt. Solan – 173208 (H.P.)

3. MES 312801 Partap Singh s/o late Sh. Jeet Ram aged 62 years, Office Supdt (Retired), Garrison Engineer (Utility) Chandimandir, resident of House No. 637, Sector 4, Panchkula (Haryana) – 134114.

4. MES No. 311071 Smt. Charanjit Kaur Adm, Office-II (Retired) Headquartes, Chief Engineer, Delhi Zone, Delhi Cantt, resident of Flat No. 126, Sector 13, Pocket-A, Dwarka, New Delhi – 110078.

5. MES-362731 Ramesh Kumar Sharma, Office Supdt (Retired), GE (W) Ferozepur, resident of House No. 05, Bazar No. 01, Ferozepur Cantt – 152001.

6. MES 313122 Ram Rattan Gupta S/o Late Sh. Mehar Chand Gupta, aged 66 years, Office Supdt (Retired), Headquarters Chief Engineer, Western Command, Chandimandir, resident of VPO Suri, Ward No. 1, House No. 22, Near SBI, Shimla – 171301 (H.P.)

....Applicants

(Present: Mr. R.P. Sharma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence South Block, New Delhi – 110011.

2. Directorate General Personnel/E 1B, Military Engineering Service, Engineer-in-Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, DHQ PO New Delhi – 110011.

3. Chief Engineer, Headquarters, Western Command, Chandimandir – 134107.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00946/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. Six applicants are before this Court, by way of this O.A., with a prayer to issue a direction to the respondents to grant them one annual increment notionally as they retired on 30th June of the year before earning usual increment which fell due on 1st July, with all consequential benefits.
3. Heard.
4. 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.
5. Learned counsel submitted that based on the judgments aforementioned of the Hon'ble Madras High Court, the applicants served a legal notice dated 16.01.2019 (Annexure A-1) to grant

them the benefit of one increment, which is pending unanswered. He suffered a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to consider their claim in the light of ratio laid down in the case of P. Ayyamperumal (supra).

6. Issue notice.

7. 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.

8. In the wake of above, the O.A. is disposed of, in limine, with a direction to the respondents to consider and decide the claim, as raised in the indicated legal notice by the applicants, in view of ratio laid down by the Hon'ble High Court of Madras in the case of P. Ayyamperumal (supra), by passing a reasoned and speaking, within a period of two months from the date of receipt of a copy of this order.

9. 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.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 30.05.2019

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