

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH**

**OA/310/01633/2018**

**Dated Monday the 17<sup>th</sup> day of December, Two Thousand Eighteen**

**PRESENT**

**Hon'ble Mr. R.Ramanujam, Member(A)**

K.Adikesavalu (MES/125251)  
S/o.I.Kanniah,  
No.4, Plot 52/53, Sairam Street,  
Thiruvalluvar Nagar, Adambakkam,  
Chennai 600 088.

.. Applicant

By Advocate M/s R.S.Anandan

Vs.

1. The Union of India  
Rep. by the Engineer in Chief,  
Military Engineer Services,  
Integrated Headquarters of MOD (Army),  
Kashmir House, DHQ PO, Rajaji Marg,  
New Delhi 110 011.

2.The Garrison Engineer,  
Fort St.George,  
Chennai 600 009.

.. Respondents

By Advocate Mr.Su.Srinivasan

**(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))**

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To issue a suitable direction by directing the first respondent herein to consider the applicant's representation dated 30.07.2018 and direct to confer the notional increment benefits for the period from 01.07.2009 to 30.06.2010 w.e.f 01.07.2010 for purpose of pensionary benefits and consequently revise and refix the applicant pay scale and confer all the consequential retirement benefits and arrears of pay and other service benefits and pass such further or other order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice .”

2. It is submitted that the applicant retired on 30.06.2010 and he was entitled to an increment for the completed year of service that would have fallen due otherwise on 01.07.2010 but for his retirement on 30.06.2010. The Hon'ble High Court of Madras by its judgement dated 15.09.2017 in WP No.15732/2017 had granted relief to a similar litigant relying on which the applicant has made a representation dated 30.07.2018 seeking similar relief. The applicant would be satisfied if the respondents are directed to consider the representation and pass a reasoned and speaking order.

3. Mr.Su.Srinivasan, SCGSC takes notice on behalf of the respondents and refers to a judgement of the Hon'ble High Court of Madras in WP No.28433/2005 dated 28.01.2009. He submits that the Hon'ble High Court in the case referred to by the applicant's counsel had not overturned the law and it appears that this judgement was not brought to the notice of the Hon'ble High Court.

4. Learned counsel for the applicant would, however, submit that the case relied upon by the respondents' counsel pertained to a time when there were two dates of increment and it was only after the 6<sup>th</sup> Pay Commission, that the date of increment was uniformly fixed as 1<sup>st</sup> July of the year. Therefore, the order the Hon'ble High Court referred to by the respondents' counsel would have no applicability to this case.

5. At this stage the applicant is seeking only a limited relief of consideration of his representation, without going into the substantive merits of the case, the OA is disposed of with a direction to the respondents to consider the representation of the applicant dated 30.07.2018 in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. OA is disposed of accordingly.

**M.T.**

**(R.RAMANUJAM)**  
**MEMBER (A)**  
**17.12.2018**