

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.62/380/2019

Date of decision: 22.04.2019

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

1. Ghulam Mohammad Wani S/o Ghulam Rasool Wani, age 68 years, R/o Khrew Srinagar, HSG-II, Sub Post Master (Retd.), S.R. Gunj P.O. Srinagar-190002. Group C.
2. Ghulam Hasan Rather, S/o Ghulam Mohammad Rather, age 68 years, R/o Lower Manda Verinag-192212. Group C.
3. Abdul Gani Dar S/o Ghulam Gadir Dar, age 63 years, R/o Bringen Chadoor, Post Man (Retd.) Srinagar, GPO-190001. Group C.
4. Habibullah Bhat, S/o Abdul Ahad Bhat, age 63 years, R/o Bugam Chadoora, Post Man (Retd.), Srinagar, GPO 190001. Group C.
5. Mohammad Shafi Sheik, S/o Abdul Kabir Sheik, age 71 years, S/o House No.30, Hyderiya Colony Lal Bazar, HSG-II, Sub Post Master (Retd.) Sopore, Kashmir, PO-190023. Group C.

... APPLICANT

VERSUS

1. Union of India through the Secretary (P), Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Jammu & Kashmir Circle, Jammu/Srinagar-190001.
3. The Director, Postal Services, Jammu-180001.
4. The Senior Superintendent of Post Office, Srinagar Divn.190001.
5. The Senior Postmaster, Srinagar, GPO-190001.
6. The Superintendent of Post Offices, Baramulla Division-193101.

... RESPONDENTS

PRESENT: Sh. Dhiraj Chawla, counsel for the applicants.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Heard.
2. By way of the present O.A., the applicants have challenged the order dated 10.12.2018 (Annexure A-1 Colly) whereby their request for grant of benefit of notional increment on completion of one year of service on his retirement on 30th June, has been rejected on the ground that the annual increment was due on 01st July and on that date they were 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 Union of India. He placed reliance on one more recent judgment passed 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 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 applicants. 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.
7. In the wake of above, the impugned order dated 10.12.2018 (Annexure A-1) is quashed. The respondents are directed to reconsider the claim of the applicants, in the light of ratio laid down in the case of P. Ayyamperumal (supra). If the applicants are 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 months 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.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 22.04.2019.

Place: Chandigarh.

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