

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00951/2019
Chandigarh, this the 12th day of September, 2019

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

Kanwal Mohan aged 67 years son of Bishan Singh, resident of House No. 1041, Street No. 5, New Ashok Nagar-C, Salem Tabri, Ludhiana – 141008.

....Applicant

(Present: Mr. G.P. Vashisht, Advocate)

Versus

1. The Union of India through its General Manager, Northern Railway, Baroda House, New Delhi – 110001.
2. The Divisional Railway Manager (P) Northern Railway, Ferozepur – 152001.
3. The Senior Divisional Personnel Officer, Northern Railway, DRM Office, Ferozepur Cantt – 152001.

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Respondents

(Present: Mr. Sanjiv Dahiya, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is aggrieved against the order dated 13.06.2019 (Annexure A-4) whereby his claim for grant of one increment notionally on completion of one year on the date of retirement i.e. 30.06.2012, was declined on the ground that he was not a party to the judgment relied upon by him.

2. Heard.

3. Learned counsel vehemently argued that this issue has already been settled in favour of the employees 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 further argued that the claim of the similarly placed persons cannot be denied on the ground that they were not party to that particular case wherein the benefit was allowed, therefore, the view taken by the respondents is illegal and liable to be quashed and set aside. He prayed that a direction be issued to the respondents to consider the claim of the applicant in the light of ratio laid down in the case of P. Ayyamperumal (supra).

4. Issue notice.

5. On our asking, Mr. Sanjiv Dahiya, Advocate, who is present in the Court, accepts notice. He does not object to the prayer made by the learned counsel for the applicant.

6. Considering that the issue has already been put to rest by the Hon'ble High Court of Madras in the case of P. Ayyamperumal (supra), the view taken by the respondents cannot be accepted, and therefore, the impugned order dated 01.07.2019 (Annexure A-5) is quashed and set aside. The matter is remitted back to the respondents to re-appreciate the same in terms of decision in the case of P. Ayyamperumal (supra). If the applicant is found to be similarly situated like the applicant in the relied upon case, the relevant benefit be granted to him, otherwise a reasoned speaking order be passed within a period of two months 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.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 12.09.2019

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