

CENTRAL ADMINISTRATIVE TRIBUNAL**CHENNAI BENCH****ORIGINAL APPLICATION No. 310/00875/2019****Dated Thursday ,the 11th day of July, 2019****PRESENT****Hon'ble Mr.P.Madhavan, Member(J)****&****Hon'ble Mr.T.Jacob, Member(A)**

P.Raghunath
Law Officer(Retired)
Southern Railway Headquarters Office,
Chennai – 600 003.
Resi: HIG- Block4, Flat 105,
APHB Colony, Kommadi Road,
Madhurawada, Vishakhapatnam 530048.

....Applicant

By Advocate M/s K.Manickaraj

Vs

1. Union of India, Rep. by
The Secretary(P),
Ministry of Personnel, P G and Pensions
Department of Personnel & Training
North Block, New Delhi – 110 001.
2. The Secretary, Railway Board,
Raisina Road, New Delhi, 110 001.
3. The General Manager,
Southern Railway,
Park Town, Chennai- 600 003.
4. The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai 600 003.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

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

"I. To set aside the reply dated 29-10-2018, the Annexure A-7 as against the settled law of land and to declare ultra virus on the Hon'ble Apex Court in A-2 judgement on the A-1 judgement on Hon'ble High Court of Madras.

II. To consider the representations of the applicant and to grant one notional increment for the period from 01.07.2017 to 30.06.2018 as he has completed one full year service before the date following the day of the increment falls due by following the law dictum passed by the Hon'ble Apex Court in R.Ayyamperumal's case as the applicant is eligible one notional increment which falls on 01-07-2018.

III. Accordingly revise the pension and pensionary benefits and other consequential benefits, etc.

IV. Such other appropriate orders as deemed fit by this Hon'ble Tribunal to avoid further delay and hardship and thus render justice"

2. Learned counsel for the applicant submits that the applicant had retired on 30.06.2018 and he is entitled for notional increment for pensionary benefits. The issue regarding granting one notional increment to those Government servants who retired on 30th June, after completing one year service on 30th June arisen due to the order dated 15.09.2017 passed by the Madras High Court in WP No.15732/2017 filed by Sh.P. Ayyamperumal Vs Registrar, CAT and ors wherein the SLP filed by Government has also been dismissed by the Apex Court and it is under examination of the DOPT. The applicant produces a copy of the order dated 25.06.2019 issued by the

Ministry of Finance, Department of Expenditure. The learned counsel for the applicant submits that he will be satisfied if a direction is given to the respondent to take a decision in accordance with the order to be passed by the DOPT in this matter.

3. Mr. Su.Srinivasan (R1) takes notice for the respondents. He submits that granting one more increment is a policy decision and it has to be approved by the Central Government. This Tribunal had recently disposed of these type of OAs. He has no objection in considering the matter in view of the letter dated 25.06.2019 as and when a decision is taken by the nodal Ministry.

4. Keeping in view the limited relief sought and without going into the substantive merits of the claim, the 2nd respondent is directed to take a decision in the case of the applicant in accordance with the orders to be passed by the DOPT in this matter.

5. The OA is disposed of with the above direction at the admission stage.

(T.Jacob)
Member(A)
SV

11.07.2019

(P.Madhavan)
Member(J)