

**Central Administrative Tribunal
Madras Bench**

OA/310/01167/2019

Dated the 18th day of September Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

V.Elumalai
S/o Veerasamy,
No.7, Gowtham Illam,
Renganatha Nagar-1,
Grace Avenue, Salaiyur,
Chennai 600 073. .. Applicants
By Advocate **M/s.P.Ayyan Perumal**

Vs.

1. The Secretary (Tourism),
M/o Tourism,
Government of India,
Transport Bhavan,
No.1, Parliament Street,
New Delhi 110 001.
2. Under Secretary to Govt. of India,
M/o Tourism,
Government of India,
Transport Bhavan,
No.1, Parliament Street,
New Delhi 110 001. .. Respondents
By Adovacte **Mr.M.Kishore Kumar-SPC**

ORDER

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

The above OA is filed seeking the following relief:-

“....to direct the respondent to sanction one increment to the applicant for the completed period of one year with consequential pensionary relief and thus render justice, by setting aside the order No.C-18011/01/2019-Admin-I dated 17.7.19.”

2. According to the applicant, he was working as Assistant Director General under the respondents and he retired from the post from 30.6.2013. According to him, since he has completed one year on 01.7.2013 he is entitled to get one more increment and the same benefit has to be given for pension benefits also. When the matter came up for hearing, Mr.M.Kishore Kumar, counsel appearing for the respondents submitted that similar matter has been disposed off by this Tribunal in OA 1661/2013 rejecting the claim based on the decision of the Hon'ble Supreme Court in ***Chief General Manager v. K.V.George & Others [reported in (2008) 14 SCC 699]*** and the decision of the Hon'ble Supreme Court in ***Achhaibar Maurya v. State of U.P. And Others [reported in (2008) 2 SCC 639]*** and the decision of the Hon'ble Madras High Court in ***A.V.Thiyagarajan vs. The Secretary to Government (W.P.No.20732/2012 dated 27.11.2012)*** and the decision of the Hon'ble Karnataka High Court in ***Union of India & 3 Others v. YNR Rao (WP 18186/2003)*** wherein it was held that such claim cannot be entertained as the correct date of retirement is prior to 30.6.13 and the applicant is permitted to continue in service only on the basis of a permission granted for the purpose of better accounting by the government.

3. We have perused the OA and it seems that the OA is squarely covered by the decision of this Tribunal in OA 1661/2013 and the said decision is squarely applicable to the facts of the case. In view of the various decisions of the Hon'ble Supreme Court, there is no merit in the OA and it is liable to be dismissed in the threshold itself. The

Hon'ble Supreme Court in *Chief General Manager v. K.V.George & Others* has held as follows:-

“we are unable to countenance with the decision of the Tribunal and the High Court. As already noticed, they were retired w.e.f. 16.12.95 and 3.12.95 respectively but because of the provision under FR 56(a), they were allowed to retire on the last date of the month; the grace period of which was granted to them for the purpose of pay and allowances only. Legally they were retired on 16.12.95 and on 3.12.95 respectively and, therefore, by no stretch of imagination can it be held that their pensionary benefits can be reckoned from 1.1.96. The relationship of employer and employee was terminated in the afternoon of 16.12.95 and 3.12.95 respectively.”

4. In the above circumstances, we feel that the applicant has not made out a case for further adjudication in this matter. Hence the OA will stand dismissed at the threshold itself.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

18.09.2019

/G/