

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application Nos.21/616 to 626 of 2019

Date of order reserved: 17.07.2019

Date of Order pronounced: 22.07.2019

Between:

O.A.No.616/2019:

Manohar Khushal Haware
S/o Khushal Haware
Aged about 69 years, Occ: Retd., Chief Admin Officer
RCI, Hyderabad
R/o D-26/5, DRDO Complex
Kanchanbagh (P.O.)
Hyderabad – 500 058. ... Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Dr. APJ Abdul Kalam Missile Complex
DRDO, Hyderabad. ... Respondents

O.A.No.617/2019:

Smt. Adivi Varalakshmi W/o Sri L. Hanumantha Rao
Aged about 63 years, Occ: Retd., Technical Officer `C`
RCI, Hyderabad
R/o H.No.19-140/2, Gauthamnagar
Street No.4, Malkigiri
Hyderabad – 500 047. ... Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.

2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Dr. APJ Abdul Kalam Missile Complex
DRDO, Hyderabad. ... Respondents

O.A.No.618/2019:

Jagadisan Krishnamoorthy
S/o K. R.Krishnamoorthy
Aged about 61 years, Occ: Retd. Scientist 'H' (OS)
RCI, Hyderabad
R/o Flat No.302, SVC Residency, Barkatpura, Street No.1
Hyderabad – 500 027. Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Dr. APJ Abdul Kalam Missile Complex
DRDO, Hyderabad. ... Respondents

O.A.No.619/2019:

Subnivis Phani Babu
S/o Sri S. Seshgiri Rao
Aged about 65 years, Occ: Retd. Technical Officer 'B'
RCI, Hyderabad
R/o H.No.2-1-435, Flat No.303, II Floor
Sai Vilas Sadan Street No.4

Nallakunta, Hyderabad – 500 044. ... Applicant

AND

1. The Union of India rep. by its Secretary to Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Dr. APJ Abdul Kalam Missile Complex
DRDO, Hyderabad. ... Respondents

O.A.No.620/2019:

Smt. K.M.Usha, W/o Sri I. Krishna Mohan Rao
Aged about 65 years, Occ: Retd. Technical Officer 'B'
RCI, Hyderabad
R/o Flat No.A-503, M.No.6-1-116
Natarajan Residency
Padmarao Nagar,
Secunderabad – 500 025.

AND

1. The Union of India rep. by its Secretary to Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Dr. APJ Abdul Kalam Missile Complex
DRDO, Hyderabad. ... Respondents

O.A.No.621/2019:

Shaik Jeelani, S/o Shaik Mahboob
 Aged about 65 years, Occ: Retd., Sr. Accounts Officer-II
 DRDL, Hyderabad
 R/o 17-1-375/A/32/2
 Santosh Nagar
 Hyderabad – 500 059. ... Applicant

AND

1. The Union of India rep. by its Secretary to
 Government, Department of Defence
 New Delhi – 110 001.
2. The Secretary
 The Union of India rep. by
 Department of Personnel & Training
 New Delhi 110 001.
3. The Chairman,
 The Defence Research and Development Organization
 Ministry of Defence, DRDO Bhavan
 Rajaji Marg, New Delhi.
4. The Director
 The DRDL
 Kanchanbagh
 Hyderabad. ... Respondents

O.A.No.622/2019:

Mubeen Mohammed Khan
 S/o Sri Yousuf Khan
 Aged about 63 years, Occ: Retd. UDC
 RCI, Hyderabad
 R/o H.No.8-3-1/4, Virat Nagar
 Meerpet Post, Hyderabad – 500 097. ... Applicant

AND

1. The Union of India rep. by its Secretary to
 Government, Department of Defence
 New Delhi – 110 001.
2. The Secretary
 The Union of India rep. by
 Department of Personnel & Training
 New Delhi 110 001.

3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI-DRDO)
Ministry of Defence, Vignyana Kancha (P.O.)
Hyderabad. Rep by its Director ... Respondents

O.A.No.623/2019:

Natta Isaac, S/o Natta Joseph
Aged about 69 years, Occ: Retd. Scientist 'G'
DRDL, Hyderabad
R/o Plot No.59, Road No.4
Sri Venkata Ramana Colony
Vanasthalipuram, Hyderabad – 500 070.... Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The DRDL
Kanchanbagh
Hyderabad – 500 058. ... Respondents

O.A.No.624/2019:

Saridey Pardhasaradhi
S/o S. Viswanadham
Aged about 67 years, Occ: Retd. Stores Officer
DRDL, Hyderabad
R/o H.No.9-7-54, Road No.5
Yadagiri Nagar Colony
Opp: Santosh Nagar
Hyderabad – 500 059. ... Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
DRDL
Kanchanbagh
Hyderabad 500 058. ... Respondents

O.A.No.625/2019:

S.P.Krishna Moorthy
S/o Late SP Ananda Murthy
Aged about 73 years, Occ: Retd. Scientist 'F'
RCI, Hyderabad
R/o 182/C, LIGH, S.R.Nagar Colony
Hyderabad – 500 058. Applicant

AND

1. The Union of India rep. by its Secretary to
Government, Department of Defence
New Delhi – 110 001.
2. The Secretary
The Union of India rep. by
Department of Personnel & Training
New Delhi 110 001.
3. The Chairman,
The Defence Research and Development Organization
Ministry of Defence, DRDO Bhavan
Rajaji Marg, New Delhi.
4. The Director
The Research Centre Imarat (RCI)
Programme Director 'AD'
Kanchanbagh
Hyderabad. ... Respondents

O.A.No.626/2019:

Sangeetha Sai Kumar, S/o Late S.Papa Rao
 Aged about 62 years, Occ: Retd. Scientist 'G'
 DRDL, Hyderabad
 R/o Flat No.201, H.No.3-4-512/20
 Park View Apartments
 Barkatpura, Hyderabad – 500 027. .. Applicant

AND

1. The Union of India rep. by its Secretary to
 Government, Department of Defence
 New Delhi – 110 001.
2. The Secretary
 The Union of India rep. by
 Department of Personnel & Training
 New Delhi 110 001.
3. The Chairman,
 The Defence Research and Development Organization
 Ministry of Defence, DRDO Bhavan
 Rajaji Marg, New Delhi.
4. The Director
 The DRDL
 Kanchanbagh
 Hyderabad - 500 058. ... Respondents

Counsel for the Applicants in all OAs ... Mr. V.V.Ramana
 Counsel for the Respondents: Sr. CGSC: Mrs. K. Rajitha in OA 616/19;
Addl. CGSCs: Ms. K. Bharathi in OA 617/19; Mr. D.Satyaveer in OA
 618/19; Mr. M. Venkata Swamy in OA 619/19; Mr. A.Praveen Kumar Yadav
 in OA 620/19; Mr. B. Rajeswara Rao in OA 622/19; Mr. D.Laxmi Narayana
 Rao in OA 623/19; Mr. P.Krishna in OA 624/19, Mr. M.Mohan Rao in OA
 625/19; Mrs. D.Shoba Rani in OA 626/19 and Sr. PC for CG: Ms. B.
 Gayatri Varma in OA 621/19.

CORAM:

Hon'ble Mr. A.K.Patnaik, Member (Judl.)

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

O R D E R (Common)

By Mr. B.V. Sudhakar, Member (Admn.)

2. In all these OAs, common question of fact and law arises for
 consideration. Therefore, we dispose them of through a common order.

3. The applicants retired from their service either in the end of the day of June or December of their respective years in the Defence Ministry. The pension was also determined accordingly. The plea of the applicants is that they became entitled to be extended the benefit of one increment on 1st July or the 1st January of their respective year in which they retired, but the benefit of the same was not extended to them. Reliance is placed on the Judgement of the Hon'ble High Court of Judicature at Madras in W.P.No.15732/2017, dated 15.09.2017. The applicants contend that there is absolutely no basis for the respondents in denying them, the increment that became due on 1st July or 1st January of their respective year of retirement.

4. We heard both the learned counsel and perused the pleadings on record.

5. This very issue fell for consideration in various proceedings before this Tribunal. The Hyderabad Bench of this Tribunal took the view that an employee is entitled to be extended the benefit of the increment which fell due one day after his retirement. That view was accepted by the A.P.High Court also. However, at a later point of time, a Full Bench of A.P.High Court, in **Principal Accountant General v. C. Subba Rao & Others**, [2005(2) ALD 1, 2005(2) ALT 25], took a different view through its Judgement dated 27.01.2005. It was held that once an employee retires from service, the question of his being entitled to any increment thereafter, does not arise. The judgement of the Hon'ble Madras High Court is based on the judgement of the Hon'ble Supreme Court. Hence, the question of

extending the benefit of one increment to a retired employee, if it fell due one day after his retirement, does not arise.

6. Recently, this Tribunal had an occasion to deal with the very same issue in OA No.1350/2014, OA No.1110/2018 with OA No.1111/2018 (decided on 26.04.2019) and OA No.331/2019 (decided on 04.06.2019) and the same were dismissed. The same situation obtains in these OAs also. For the sake of convenience, the relevant paras of the OA No.331/2019 & batch, which *mutatis mutandis* would apply to the present OAs, read as under:

“5. In the recent past, this Tribunal had an occasion to deal with the very same issue in OA No.1350/2014. Extensive discussion in this behalf was undertaken and following the judgement of the Full Bench of A.P.High Court, the O.A. was dismissed. As recently as on 26.4.2019, this Tribunal dismissed O.As; No.1110 & 1111/2018. The same situation obtains in these two O.As also.

6. Learned counsel for the applicants submits that the judgement of the Madras High Court in W.P.No.7903/2012 & batch was upheld by the Hon’ble Supreme Court, by dismissing the SLPs and the Union of India is taking steps to file Review therein.

7. The O.As are dismissed. We make it clear that if the Hon’ble Supreme Court passes any order on merits, granting relief to the employees, it shall be open to the applicants to pursue their remedies in accordance with law. There shall be no order as to costs.”

7. In the light of the above directions passed in OA No.331 & 332/2019, decided on 04.06.2019, these OAs are accordingly dismissed. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(A.K.PATNAIK)
MEMBER (JUDL.)

Dated, the 22nd day of July, 2019

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