

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/331/2019 & OA/020/332/2019

Dated: 04/06/2019

Between

Mr. C. Raghu Ramaiah,
S/o. Late Narsimhappa,
Aged about 68 years,
Junior Engineer (Retd) / Wheel Shop,
Carriage Repair Shop,
South Central Railway,
Tirupati, Chittoor Dist.
R/o. 14-3-306/205, Venkata Sai Apartments,
Opp: Obulam Hospital, DR Mahal Road,
STV Nagar, Tirupati, A.P. Pin ó 517 501.

... Applicant in OA.331/2019

Mr. S. Narayana Reddy,
S/o. Narsimha Reddy,
Aged about 69 years,
Senior Technician (Retd.)/Wheel Shop,
Carriage Repair Shop,
South Central Railway,
Tirupati Chittor Dist.
R/o. Flat No.203, Viswa Surya Residency,
New Saint Joseph High School,
Pottipadu Road, Proddatur Town,
Cuddapa Dist. Pin- 516 360.

... Applicant in OA.332/2019

AND

1. Union of India,
Ministry of Railways rep. by its
General Manager,
South Central Railway,
Rail Nilayam, III Floor,
Secunderabad ó 500 071.
2. The Chief Personnel Officer,
South Central Railway,
Sanchalan Bhavan, IVth floor,
Secunderabad ó 500 071.

3. The Workshop Personnel Officer,
Carriage Repair Shop,
South Central Railway, Tirupati.
4. The Chief Workshop Manager,
Carriage Repair Shop,
South Central Railway, Tirupati.
5. The Accounts Officer,
Carriage Repair Shop,
South Central Railway, Tirupati.

... Respondents
in both the OAs

Counsel for the Applicants : Mr. K. Sudhakar Reddy
Counsel for the Respondents : Mr. T. Hanumantha Reddy, SC for Rlys.

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

In these two O.As, common question of fact and law arise for consideration. Therefore, we dispose of them through a common order.

2. The applicants retired from service on 30.6.2012 & 30.6.2011 respectively from their service in the South Central Railway. 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 of the year in which they retired, but the benefit of the same was not extended to them. Reliance is placed on the judgement dated 14.11.2014, of the Madras

High Court in W.P. No.7903/2012 & batch. The Madras High Court, in turn, referred to the judgement of the Honøble Supreme Court in *S. Banerjee vs Union of India* [*AIR 1990 SC 285*]. The applicants contend that there is absolutely no basis for the respondents in denying them, the increment that became due on 1st July of the year of retirement.

3. We heard Sri K. Sudhaker Reddy, learned counsel for the applicants and Smt. Vijaya Lakshmi representing Sri T. Hanumantha Reddy, learned Standing Counsel for the respondents.

4. This very issue fell for consideration in various proceedings before this Tribunal, the Madras High Court & the A.P High Court. 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. In *Banerjee's* case, the Honøble Supreme Court, however observed that such employee would be entitled to Dearness Allowance for the service rendered between 1st January and 30th June of the year of retirement, but not the increment. The judgement of the Madras High Court is based on the judgement of the Honøble 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.

5. In the recent past, this Tribunal had an occasion to deal with the very same issue in O.A. 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 Honøble 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 Honøble 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.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
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(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN