

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.63/1031/2019**

**Date of decision: 30.9.2019**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MS. ARCHANA NIGAM, MEMBER (A).**

...

Nikka Ram age 64 years son of late Shri Labha Ram,

Resident of Summer Cottage, Vijay Nagar, Shimla-171009,

Retd. Office Superintendent, Income Tax Department,

Shimla (Group C).



**..APPLICANT**

1. Union of India through its Secretary to Govt. of India, Ministry of Finance (Department of Expenditure), New Delhi-170001.
2. Pr. Chief Commissioner of Income Tax, NWR, Aayakar Bhawan, Sector-17E, Chandigarh-160017.
3. Pr. Chief Commissioner of Income Tax, Railway Board, Shimla-171003.

**...RESPONDENTS**

**PRESENT:** Sh. R.P. Singh, counsel for the applicant

Sh. Sanjay Goyal, counsel for the respondents.

**ORDER (Oral)**

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**SANJEEV KAUSHIK, MEMBER (J):-**

1. Present O.A. has been filed by the applicant for issuance of the direction to Respondents No.2 and 3 to decide the representation dated 3.10.2018, followed by another representation dated 24.12.2018, wherein the applicant has prayed that he be given one increment on completion of one year service from 1.7.2013 to 30.6.2014, which has been rejected on the ground that applicant was not in service on 1.7.2014.
2. Learned counsel for the applicant submitted that after taking clue from the judgment of the Madras High Court in the case of **P. Ayyamperumal vs. Union of India & Ors.** decided on 15.9.2015, as upheld by the Hon'ble Supreme Court, wherein Lordships have held that if a person has completed one year service before 1st July, then he/she is entitled to one increment, his claim deserves to be allowed. He submitted that his representations appended as Annexures A-3 and A-4 for that very relief are pending unanswered, therefore, he prayed that the applicant will be satisfied if direction is issued to respondents to decide the same by considering the ratio laid down in the judgment relied upon by him.
3. Issue notice.
4. Sh. Sanjay Goyal, SCGSC, appears and accepts notice on behalf of the respondents and has no objection to the disposal of the O.A. in the above terms.

5. Considering the ad-idem between the parties and, without commenting anything on merit of the case, we dispose of this O.A. by directing competent authority amongst the respondents to consider and decide representations of the applicant by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. While deciding his claim, respondents will also consider fact and effect of judgments relied upon by the applicant. Order so passed be dully communicated to him. No costs.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 30.9.2019.  
Place: Chandigarh.

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