

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

Original Application No.21/780/2019

Date of Order: 30.08.2019

Between:

1. Dr. K. Satyanarayana, (E.C.No: 2832) S/o. Late K. Subba Rao, Occ: Retired Central Govt. Employee, R/o. Plot No. 92, H.No. 13-1-193, BSP Colony, Erragadda, Hyderabad – 500018, Gr. A, aged about 65 years.
2. T.S.P. Anjaneyulu (E.C.No: 3170), S/o. Late T. Chenna Kesava Swamy, Occ: Retired Central Govt. Employee, R/o. Flat No. 311, Vasavi Dreams, H.No. 7-2-1800 & 1803, Road No.2, Czeth Colony, Sanath Nagar, Hyderabad.
3. G. Sreeramulu Chowdary (E.C.No: 2600), S/o. G. Siddaih Naidu, Occ: Retired Central Govt Employee, R/o. Flat No. 103, Vamsi Krishna Apartments, H.No. 7-1-214, D.K. Road, Ameerpet, Hyderabad- 500 016.
4. R Srinivas (E.C.No: 3585), S/o/. Late R. Suryanarayana, Occ: Retired Central Govt. Employee, R/o. Flat No, 502, Srinivasa Residency Matrix Homes, Srinivasa Nagar Colony, D.No. 1-2-48/1/1 to 3, Opp: Sangamitra School, Nizampet Road, Hyderabad – 500 090.
5. Yamuna Singh(E.C.No: 3441), S/o. Late Badri Singh, Occ: Retired Central Govt. Employee. R/o. G-G-07, Rainbow Vistas @ Rock Garden, Opp: IDL, Green Hills Road, Moosapet, Hyderabad.
6. P.V.V. Chitti Bhadraiah(E.C.No: 2518), S/o. P. Venkata Rama Rao, Occ: Retired Central Govt. Employee. R/o. Plot No., 19, H.No., 44-353/2, Tirumala Nagar, B/h ZTS Moulali, Hyderabad – 500 040.
7. D.V.Bhanu Chandra Rao(E.C.No: 3829), S/o. Late D. Venkob Rao, Occ: Retired Central Govt. Employee, R/o. 136, Shaili Gardenai, Yaprak, Secunderabad – 500 087.
8. J. Raghunadth Rao(E.C.No: 3055), S/o. J. Vittal Rao, Occ: Retired Central Govt. Employee, R/o. 2-2-647/235/5/16, Near Ayyappa Temple,

Bagh Amberpet, Hyderabad – 500 013.

9. T.Sudhakara Rao(E.C.No: 3249), S/o. T. Venkatanaraiah, Occ: Retired Central Govt. Employee, R/o. Plot 64, Surya Enclave, Triumalagiri, Secunderabad – 500 016.
10. J. K. Dash (E.C.No: 3452), S/o. B.N.Dash, Occ: Retired Govt. Employee, R/o. 4A-501, Divya Shakti Apartments, Hyderabad – 500 016.
11. Vinod Jayaramarao Katti (E.C.No: 3136), S/o. Jayaramarao S Katti, Occ: Retired Central Govt. Employee, R/o. Plot No. 64, 4th Main Road, Flat No. 101, S.V.Residency, BOB Colony, Puttenhalli, J.P.Nagar, Phase-7, Bengaluru – 560078, (Temporarily Residing at Hyderabad)
12. A.Pannerselvam (E.C.No: 2898), S/o. K. Angamuthu, Occ: Retired Central Govt. Employee, R/o. 1417, 3RD Cross, 2nd Phase, 1st Stage, Chandya Layout, Vijay Nagar, Bengaluru -560040. (Temporarily Residing at Hyderabad)
13. K.V.Suresh (E.C.No: 3757), S/o. K.V. Nair, Occ: Retired Central Govt. Employee, R/o. 17/5, S2 Amrutha Apartments, 1st main Road, Marenahalli, Vijay Nagar, Bengaluru – 560040. (Temporarily Residing at Hyderabad).
14. Dr. M. Nagaraju (E.C.No: 5100), S/o. M. Rangaiah, Occ: Retired Central Govt. Employee, R/o. H.No. 38, 1st Cross, Garden Villas, Maruthi Nagar, Nagarbavi, Bengaluru – 560072, (Temporarily Residing at Hyderabad)
15. Smt. Usha Nathan (E.C.No. 5487), W/o. Parvathi Nathan, Occ: Retired Central Govt. Employee, R/o. S2, Kruthika Apartments, 18th Cross, 21st Main, Vijay Nagar, Bengaluru – 560040, (Temporarily Residing at Hyderabad)
16. A.V. Jeyagopal, S/o. A.M.Venkatapathi Pillai (E.C.No. 3313), Occ: Retired Govt. Employee, R/o. Plot No. 137, 138 Behind Thiruvalmozhi Street, Ayyanaar Avenue, Oil Mill, Thiruvallur - 602001, Tamilnadu, (Temporarily Residing at Hyderabad)

17. Surendar Kumar Sharma (E.C.No. 3011), S/o. Late Shobhanath Singh, Occ: Retired Govt. Employee, R/o. Plot No. 45/4, H.No. N6/66RB, Indira Nagar Colony, Chitaipur, Varanasi, U.P. (Temporarily Residing at Hyderabad)

... APPLICANTS

AND

1. The Union of India, Represented by the Chairman Atomic Energy Commission & Secretary, Department of Atomic Energy, Anushakthi Bhavan, CSM Marg, Mumbai - 400001
2. The Director, Atomic Minerals Directorates for Exploration and Research, Department of Atomic Energy, AMD Complex, 1-10-153-156 Begumpet, Hyderabad- 500016.
3. The Secretary Department of Personnel and Trainee, Govt. Of India, North Block, New Delhi - 110001.
4. The Assistant Personnel Officer, Atomic Minerals Directorates for Exploration and Research, Department of Atomic Energy, AMD Complex, 1-10-153-156 Begumpet, Hyderabad- 500016.
5. The Administrative Officer –III, Atomic Minerals Directorates for Exploration and Research, Department of Atomic Energy, AMD Complex, 1-10-153-156 Begumpet, Hyderabad- 500016.

... Respondents

Counsel for the Applicants ...

Mr. K. Bathi Reddy

Counsel for the Respondents ...

Mr. V Vinod Kumar, Sr. CGSC

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CORAM:

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

ORAL ORDER

2. The OA is filed questioning the decision of the respondents in not granting notional increments to the applicant, on 1st July, after completion of 12 months of service, on the ground that they have retired from service on the said date.

3. Brief facts of the case are that the applicants retired from the respondents organization on 30th June, in different years. The 6th Central Pay Commission has fixed 1st July as the date of increment for all Central Government employees by amending Rule 10 of Central Civil Services (Revised Pay) Rules, 2008. Based on this amendment, the applicants were denied the last increment due to be granted to them in their service. Applicants represented on 05.10.2008 and on other dates but the same were rejected on 16.10.2008 and on different dates. Consequently, the OA has been filed.

4. The contentions of the applicants are that a similarly placed person, Shri P. Ayyamperumal, filed OA No.917 of 2015 before the Madras Bench of this Tribunal, seeking the said relief which was dismissed vide order dated 21.03.2017. Aggrieved by this order, the applicant approached the Hon'ble High Court of Madras in W.P.No.15732/2017, the same was allowed on 15.09.2017, and later the Hon'ble Apex Court also upheld the decision, as the SLP (Civil) No.22283/2018 filed by the Government against the Hon'ble High Court of Madras order, was dismissed on 23.07.2018. The Review Petition No.1731/2019 filed in Hon'ble Supreme Court too

dismissed on 08.08.2019. Therefore, being similarly situated, the applicants are seeking similar relief. Government employees are granted increment after rendering one year of service. In the past, the increment was given on different dates depending on the dates in which they were appointed or promoted to a particular post. However, in 6th Central Pay Commission, this was rationalized by recommending grant of increments either on the 1st of July or 1st of January, of an year after completion of one year of service. In the present case, applicants have retired on 30th June, and if they were continued in service they would have granted increments on the 1st of July. As they have retired, they are no more serving employees and on this ground in quite a few OAs relief sought was not granted. Now with the Hon'ble Supreme Court upholding the finding of the Hon'ble Madras High Court, applicants claim that they are fully eligible to be granted the relief sought.

5. In the present case, respondents have replied that they have not received specific orders from the concerned Ministry and, hence, the increment cannot be drawn. Respondents counsel informed that they are awaiting further instructions in the matter.

6. Heard both the counsel and with their consent, the matter is taken up for hearing at the admission stage, without filing reply by the respondents.

7. (I) From the material papers submitted it is evident that the Hon'ble High Court of Judicature at Madras in Writ Petition No.15732 of 2017 has held that the applicants are eligible for the

increment sought for. The operative portion of the Judgement is extracted hereunder:

“6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in **State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525**, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

The Order of the Hon'ble High Court of Madras was challenged in SLP (Civil) No.22008/2018 (Diary No(s).22283) of 2018, wherein the Hon'ble Apex Court has observed as under:

On the facts, we are not inclined to interfere with the impugned judgment and order passed by the High Court of Judicature at Madras.

The special leave petition is dismissed.”

The Review Petition (C) No.1731/2019 filed in SLP (C) No.22008/2018, against the order dated 23.07.2018, was also

dismissed vide Order dated 08.08.2019. Therefore, the matter has attained finality.

(II) The learned counsel for the respondents has submitted that they are awaiting executive instructions from the concerned ministry consequent to the judgements referred to hereinbefore.

(III) In view of the above, with the concurrence of both the counsel, respondents are directed to reconsider the representations of the applicants, made for grant of increments on 1st of July, keeping in view the orders of the superior judicial forums cited supra, within a period of 6 months from the date of receipt of a copy of this order, and pass a speaking and well reasoned order to the applicants. There shall be no order as to costs.

(V) With the above directions, the OA is disposed of at the admission stage.

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

Dated, the 30th day of August, 2019

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