

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/1275/2013

Dated: 20/06/2019

Between

A.V.S. Krishna Rao,
S/o. Late Srihari Rao,
Aged 68 years, Retd. as Sr. SPOs,
Bhimavaram Division, Bhimavaram,
W.G. District, A.P.

... Applicant
AND

1. Union of India rep. by
The Director General,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi 1.
2. The Chief Postmaster General,
A.P. Circle, Daksadan, Abids,
Hyderabad.
3. The Postmaster General,
Vijayawada Region,
Vijayawada 3.
4. The Director of Accounts (Postal),
A.P. Circle, Hyderabad.

... Respondents

Counsel for the Applicant : Mr. Krishna Devan
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

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

ORAL ORDER

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant retired from service on 30.06.2005. His increment was due on 01.07.2005. The respondents did not take the increment into consideration, in the context of determining his retirement benefits. This O.A. is filed with a prayer to direct the respondents to take the increment which fell due on 01.07.2005 into account, and fix the retirement benefits. Reliance is placed upon the judgement dated 15.09.2017 of the Madras High Court in W.P. No.15732/2017.

2. We heard Sri Krishna Devan, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel for the respondents.

3. It is, no doubt, true that the Madras High Court took the view that in case the increment of an employee becomes due one day after his retirement, the benefit thereof, shall be extended, for the purpose of determining the retirement benefits. Same view was taken by a Division Bench of Andhra Pradesh High Court (to which, one of us ó Chairman, is a party).

4. However, at a later point of time, a Full Bench of the High Court of Andhra Pradesh in *Principal Accountant General & Others v. C. Subba Rao & Others* [2005 (2) ALD 1= 2005 (2) ALT 25], took the view that, once an employee retires from service on the last day of a month, the question of his being extended the benefit of the increment which fell due one day after his

retirement, does not arise. Hence, we do not find any merit in the O.A. and it is accordingly dismissed. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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