
(2023) 09 CAT CK 0008
In the Central Administrative Tribunal
Case No : Original Application No. 319 Of 2023

Chunney & Ors

APPELLANT

Vs

Union Of India Through General Manager, North Eastern
Railway Gorakhpur & Ors

RESPONDENT

Date of Decision : 08-09-2023

Acts Referred:

Citation : (2023) 09 CAT CK 0008

Hon'ble Judges : Om Prakash, VII, Member (J)

Bench : Single Bench

Advocate : Jaswant Singh, Radhey Shyam Yadav

Final Decision : Allowed

Judgement

Om Prakash, VII, Member (J)

1. Shri Jaswant Singh, learned counsel appearing for the applicants and Shri Radhey Shyam Yadav, learned counsel appearing for the respondents are present.

2. Present Original Application has been filed by the applicants seeking the relief that this Tribunal be pleased to hold and declare that the applicants are entitled to be placed and have their pensions fixed with one notional increment with all consequential benefits, with effect from 1st July of the year in which the applicants retired from Government service.

3. I have heard the rival contentions advanced by learned counsel appearing for the parties.

4. Submission of learned counsel for the applicants is that the applicants are residing after their superannuation within the territorial jurisdiction of this Bench. They retired at different dates as shown in their PPOs issued by the respondents. It is further argued that the applicant No.1, Chunney, retired on 30.06.2020, applicant No.2 -Wasiullah- retired on 30.06.2019, applicant No.3 - Kamaluddin- retired on 30.06.2020, applicant No.4 - Rajendra Kumar - retired on 30.06.2020.

Similarly applicant No. 5- Gautam Muni Tiwari - retired on 30.06.2020, applicant No.6 - Devanand - retired on 30.06.2020 and applicant No.7- Mahendra Prasad - retired on 30.06.2018.

5. Referring to the PPOs annexed with the annexure No.1, learned counsel for the applicants argued that notional increment accrued in favour of the applicants on the 1st date of July of the respective years have not been allowed to the applicants. It is also argued that relief claimed in the matter is a recurring cause, thus, the O.A. shall be deemed to have been filed within the limitation period. There is no need to file a separate delay condonation application. Learned counsel for the applicants also argued that the issue has been settled in Civil Appeal No. 2471 of 2023 by the Hon'ble Supreme Court of India in The Director (Admn. and HR) KPTCL & Ors. Versus C.P. Mundinamani & Ors and employees who retired on the last date of June are entitled for one notional increment. It is also argued that in the similar circumstances O.A./217/2023 has been decided allowing one notional increment to the applicant of the aforesaid O.A. Thus, argued to allow the application and direct the respondents to grant one notional increment to the applicants by issuing fresh PPOs.

6. Learned counsel for the respondents opposed the prayer and argued that since the applicants were not in service on the date when notional increment is being claimed, thus, they cannot be granted notional increment and there is no need to revise the PPOs issued in their favour.

7. I have considered the rival contentions advanced by the learned counsel appearing for the parties and gone through the documents on record and judgments referred by the learned counsel for the applicants.

8. Issue regarding grant of one notional increment to the employees who retired on 30th June of the year was considered by the Hon'ble Supreme Court of India in judgment dated 11.04.2023 passed in case Civil Appeal No.2471 of 2023 titled The Director (Admn. And HR) KPTCL & ORs. Versus C.P. Mundinamani & Ors. wherein the Apex Court has approved and upheld the view taken by different High Courts regarding granting of one annual increment earned by the employees on the last day of their service for rendering their services preceding one year from the date of retirement with good behavior and efficiently. Thus, there is no scope to take a contrary view with the view taken by the Apex Court in the aforesaid case.

9. Accordingly, in view of the above quoted deliberations, the instant OA is liable to be allowed and is accordingly, allowed. Respondents are hereby directed to issue one notional increment to the applicants and further issue revised PPOs thereby granting them all consequential benefits. The said exercise be completed within a period of three months from the date of this order without fail.

10. There shall be no order as to costs.