
(2023) 07 CAT CK 0029

In the Central Administrative Tribunal

Case No : Original Application No. 555 Of 2023

Sudesh Kumar Dixit

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 15-07-2023

Acts Referred:

Citation : (2023) 07 CAT CK 0029

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

Bench : Single Bench

Advocate : Jaswant Singh, Chakrapani Vatsyayan

Final Decision : Allowed

Judgement

Om Prakash VII, Member (J)

1. Shri Jaswant Singh, learned counsel for the applicant and Shri Chakrapani Vatsyayan, learned counsel for the respondents, are present.

2. The compendium of the facts narrated in the instant original application is that the applicant is seeking one notional increment with all consequential benefits with effect from 1st July of the year in which applicant retired from Government Service i.e., 2019. He also seeks a direction to the respondents to release his entire arrears of pension and other emoluments payable to him as a consequence of the above said notional increment from the due date along with interest.

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

5. Disclosing a brief history of the case, learned counsel for the applicant submits that the applicant had been retired on 30.06.2019 from the respondents' department. No increment accrued on 01.07.2019 has been awarded to the applicant and PPO was issued by the respondents without granting him one notional increment. Referring to the various judgments annexed with the OA,

learned counsel for the applicant also argued that the issue of grant of one notional increment stand absolutely settled through various judgments which have been passed by different Court across the country including the Apex Court and thus the applicant is entitled for one notional increment. Thus, learned counsel prays that the instant original application be allowed at this stage itself directing the respondents to grant one notional increment to the applicant and issue revised PPO in this regard granting all the consequential benefits.

6. Learned counsel for the respondents denies the claim of the applicant and submits that although judgment and order annexed with the OA are related to granting of one notional increment, applicant has already retired on 30.06.2019 and since he was not in service on 01.07.2019, he cannot be granted notional increment. Judgment annexed with the OA does not apply in rem.

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 applicant.

8. As the facts of the case have already been stated above in detail, the same are not reiterated for the sake of brevity. 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 at the admission stage itself. Respondents are hereby directed to issue one notional increment to the applicant and further issue revised PPO thereby granting him all consequential benefits. The said exercise be completed within a period of three months from the date of this order without fail.

10. All associated MAs stand disposed of accordingly.

11. There shall be no order as to costs.