

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/617/2021

HYDERABAD, this the 17th day of September, 2021



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B V Sudhakar, Admn. Member

M. Renuka Devi, Gr C
W/o. Late M. Vinayak Raj,
Rtd. MTS PSD, Hyderabad,
Aged 63 years,
Occ: House wife,
R/0.13-6-462, Lallaguda,
Hyderabad - 500 067, T.S.

...Applicant

(By Advocate : Sri B. Gurudas)

Vs.

1. Union of India, rep. by
The Secretary to the Govt. of India,
Ministry of Communications & IT,
Dept. of Post,
New Delhi - 110 001.
2. The Chief Postmaster General,
Telangana Circle,
Hyderabad - 500 001, (T.S.)
3. The Postmaster General,
Telangana Circle,
Hyderabad - 500 001, (T.S.)
4. The Director Postal Accounts,
Telangana Circle,
Hyderabad - 500 001, (T.S.)

... Respondents

(By Advocate: Sri B. Madhusudhan Reddy, Sr. PC to CG)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video Conferencing:

The present O.A. is filed seeking the following relief:



“.....to call for the records pertaining, to the denial of enhanced Dearness allowance and increment due from 01.07.2016 and declare the action of the respondents as illegal, arbitrary and against the rules and principles of natural justice and in violation of the Article -14 and 21 of the Constitution of India and be pleased to direct the Respondents to revise and re-fix the Pension and make payment of all other retiral benefits including Pension, commutation, DCRG and leave encashment taking into account the enhanced Dearness Allowance and the notional increment due on 01.07.2016 with interest thereon.”

2. The brief facts of the case are that the applicant is challenging the action of the respondent authorities in granting Pension, Commutation, DCRG and leave encashment to her deceased husband without taking into account enhanced DA (Dearness Allowance) granted with effect from 01.07.2016 as well as the increment due on 01.07.2016. It is submitted that the husband of the applicant retired from service on attaining the age of superannuation on 30.06.2016. All his retirement benefits including Pension, Commutation, DCRG and leave encashment etc., were sanctioned and paid without taking into account the enhanced DA granted w.e.f. 01.07.2016 and increment due on 1.7.2016 causing huge financial loss. She has, therefore, submitted a representation dated 22.12.2020 to the Respondent No.1 requesting him to grant enhanced DA and also increment for the purpose of retirement benefits. Her request for granting DA and notional increment has not been considered so far. It is further submitted by the applicant that in similar cases, this Tribunal directed the respondents to grant enhanced DA for calculating retirement benefits. As per the applicant, her husband is entitled for increment on completion of one full

year's service as per Rule 10 of CCS (RP) Rules, 2008 and FR-26. In a similar case, Madras Bench of C.A.T. allowed increment and the said order was upheld by the Hon'ble High Court, Madras. The SLP and the Review Petition filed in this case were dismissed by the Hon'ble Supreme Court on merits in R.P.(C) No 1731/2019 in SLP (C) No. 22008/2018 dated 8.8.2019.



The applicant claims that her husband was similarly placed and entitled for increment and denying enhanced DA and increment due to him on 01.07.2016 is illegal, arbitrary and in violation of Article 14 & 21 of the Constitution of India.

3. Heard Sri B. Gurudas, learned counsel for the applicant and Sri B. Madhusudhan Reddy, learned Senior Panel Counsel, who put appearance and accepted notice on behalf of the respondents.

4. It is seen that the representation dated 22.12.2020 submitted by the applicant has not yet been disposed of. As such, we are of the view that the present Original Application can be disposed of with a direction to the respondents to dispose of the representation dated 22.12.2020 of the applicant with a reasoned and speaking order, within a period of 8 weeks from the date of receipt of a copy of this order. Ordered accordingly.

5. With the above direction, the O.A. is disposed of at the admission stage. It is made clear that we have not gone into the merits of the case. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER
 /pv/

(ASHISH KALIA)
JUDICIAL MEMBER