

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/770/2021

HYDERABAD, this the 11th day of November, 2021

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



1. C. Swamy, S/o. C. Kishtaiah, MES/T-177,
Aged about 62 years, Occ: Retired Official,
R/o. H.No.1-46/1, Bandamadaram Village,
Srirangavaram Post, Medchal Dist,
Telangana – 500 043.
2. T. Shankaraiah, S/o. T. Lingaiah, MES/T-9889,
Aged about 62 years, Occ: Retired Official,
R/o. H.No.3-4ANallavalli, Jinnaram Mandal,
Medchal Dist, Telangana – 500 043.
3. Fathe Ali Baig, S/o. Mohammed Ali Baig, MES/T-126963,
Aged about 61 years, Occ: Retired Official,
R/o. 6-36, Lake View Residency,
Pragathi Nagar, Hyderabad – 500 090.
4. K. Shankar, S/o. Ramaiah, MES/T-194191,
Aged about 61 years, Occ: Retired Official,
R/o. H.No.3-95, Singayapally Village,
Hakimpet, Telangana – 500 078.
5. M. Appa Rao, S/o. Narayana, MES/140204,
Aged about 61 years, Occ: Retired Official,
R/o. H.No.9-81/1/8, Banja Village Colony,
Rizala Bazar, Bolaram, Secunderabad – 500 010.
6. Ch. Satyanarayana, S/o. Mahankali, MES/T-183984,
Aged about 61 years, Occ: Retired Official,
R/o. H.No.301, Balaji Construction,
Balaji Enclave Phase-II, Thurkapally,
Bolaram, Secunderabad – 500 010.
7. Md. Kamaruddin, S/o. Md. Mustafa,
Aged about 63 years, Occ: Retired Official,
R/o. H.No.3-C/3/10 Metro City Phase IV,
Salala – Barkas, Kotapet Village,
Bandlaguda, Hyderabad – 500 005.

....Applicants

(By Advocate: Sri M.C. Jacob)

Vs.

1. Union of India rep. by
The Secretary, Ministry of Defence,
South Block, New Delhi – 110 001.
2. Chief Engineer, Southern Command Pune.
3. Commander Works Engineer, Air Force,
Bowenapally, Secunderabad – 500 011.
4. Garrison Engineer, Air Force Academy,
Hakimpet, Hyderabad – 500 043.



....Respondents

(By Advocate : Sri D. Laxmi Narayana Rao, Addl. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

Through Video Conferencing:

The OA is filed in regard to grant of notional increment to the applicants which fell due on a date subsequent to their dates of retirement.

2. Brief facts of the case are that the applicants retired on 30th June of different years. As the applicants retired the day before the due date of increment, they have not been sanctioned the same citing the reason that they were not in service on the due date. Aggrieved, the OA is filed.

3. The contentions of the applicants are that the Hon'ble High Court of Madras in W.P. No. 15732 of 2017 vide order dt. 15.09.2017 has granted the relief sought in respect of notional increment, which has attained finality and as the applicants are similarly placed, they need to be granted

the relief sought. They also cited the some orders of this Tribunal on the subject.

4. Heard both the learned counsel and perused the pleadings on record.



5. I. A similar issue fell for consideration by this Tribunal in several OAs including OA No. 538/2020, which was disposed of on 26.08.2020 with a direction to the respondents therein to grant the benefit in respect of notional increment. On being challenged in the Hon'ble High Court of Telangana in WP No.20907/2020 & Batch, orders of the Tribunal have been suspended by the Hon'ble High Court on 03.12.2020.

II. Further, it has been brought to our notice that Hon'ble Bangalore Bench of this Tribunal allowed grant of similar relief in OA No. 170/677/2019 on 18.12.2019, which was affirmed by the Hon'ble High Court of Karnataka in WP No. 146967 of 2020 (S-CAT) on 22.10.2020. Aggrieved, the Ministry of Railways filed SLP (C) No.4722/2011, wherein the Hon'ble Supreme Court, vide order dt. 05.04.2021, while ordering notice returnable in three weeks, granted stay of the operation of the order of the Bangalore Bench of this Tribunal supra, as affirmed by the Hon'ble High Court of Karnataka. Thus, the matter is under consideration by the Hon'ble Supreme Court. The DOPT has also issued an OM dt. 24.06.2021 to this effect.

III. In view of the above position, the respondents are directed to consider grant of relief sought by the applicants depending on the outcome

of the petitions before the higher judicial fora on the issue in the cited cases,
as and when they are decided.

IV. The OA is accordingly disposed of, at the admission stage,
with no order as to costs.



/a/

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER