

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A. No. 776/2019
M.A. No. 1151/2021
With
O.A. No. 82/2021
O.A. No. 173/2021 & M.A. No. 202/2021
O.A. No. 183/2021
O.A. No. 184/2021
O.A. No. 673/2021
O.A. No. 692/2021
O.A. No. 704/2021 & M.A. No. 907/2021
O.A. No. 761/2021
M.A. No. 871/2021 & O.A. No. 1360/2020
M.A. No. 1152/2021 & O.A. No. 3624/2019
O.A. No. 1141/2020
O.A. No. 1402/2020
O.A. No. 1500/2020
O.A. No. 1501/2020
O.A. No. 1511/2020
O.A. No. 1512/2020
O.A. No. 1514/2020
O.A. No. 2197/2020
O.A. No. 2200/2020
O.A. No. 778/2019 & M.A. No. 1153/2021
O.A. No. 1592/2019
O.A. No. 1616/2019 & M.A. No. 343/2021
O.A. No. 2244/2019 & M.A. No. 2422/2019

This the 15th Day of July, 2021

(Through Video Conferencing)

Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

OA No.776/2019
MA No. 1151/2021

1. Society for Teachers'
Cause
Through its
General Secretary
Sh. Raj Kishore Sharma



Address

45, DDA SFS Flats
Pocket-1, Sector-6
Dwarka, New Delhi-110075

2. Sh. Jai Pal Singh,
62 Years, Group-B (Retd.) TGT
Address:
RZ-169/170, Gali No. 4,
Phase-5,
Prem Nagar, Najafgarh
New Delhi-110043
3. Sh. Balwan Singh Sulankhi
66 Years, Group-B (Retd.), PGT
Address:
RZ-93, Nehru Garden
New Roshanpura, Najafgarh
New Delhi-110043
4. Mrs. Kaushalya Govekar, PGT
63 Years, Group-B (Retd.)
Address
130, DDA SFS Flats, Pocket-1,
Sector-9, Dwarka, New Delhi-110077.
5. Mrs. Nilofar Kumar
61 Years, Group-B (Retd.)TGT
Address:
130, DDA SFS Flats, Pocket-1,
Sector-6, Dwarka
New Delhi-110075
6. Mrs. Geeta Yadav , PGT
60 years, Group-B (Retd.)
Address
777, Metro View Apartments,
Sector-13, Dwarka, New
Delhi-110078
7. Mrs. Neeta Sharma,
62 years, Group-B (Retd.) TGT
Address
603, MASS Apartments
Plot No.24, Sector-10,
Dwarka, New Delhi-110075
8. Sh. Tarkeshwar Singh,



- 61 years, Group-B (Retd.), TGT
Address
J-4A, Dharampura, Najafgarh,
New Delhi-110043
9. Sh. Ramesh Chander,
62 years, Group-B (Retd.), PGT
Address:
H. No. 16, V&PO-Surhera,
New Delhi- 110043
10. Sh. Suraj Bhan,
60 years, Group-B (Retd.), PGT
Address
Vill & P.O. Ladpur
Tehsil & District-Jhajjar
Haryana
11. Sh. Ramesh Chand,
60 years, Group-B (Retd.), PGT
Address
258, Badiyan Mohalla
Village-Shikarpur
New Delhi- 110043
12. Mrs. Harjit Kaur Kochar,
69 years, Group-B (Retd.), PGT
Address
C1A/19C, Janakpuri
New Delhi-110058
13. Mrs. Arun Bala Chug,
63 years, Group-A (Retd.), Principal
Address
C-44, New Krishna Park
New Delhi-110018
14. Mrs. Damyanti Padey,
65 years, Group-A (Retd.) Principal
Address:
RZ-25, Santosh Park
Uttam Nagar
New Delhi-110059
15. Sh. Vishwa Nath Sharma (Late)
Through legal representative
Smt. Shashi Prabha (wife),
Address



E-7C Opp. Mother Dairy,
Ram Dutt Enclave,
Uttam Nagar, New Delhi-110059

16. Sh. Hari Singh,
64 years, Group-A (Retd.), Principal
Address
RZ-25 A, Phase-3, Prem Nagar,
Najafgarh, New Delhi-110043
17. Sh. Mahender Singh
62 years, Group-B (Retd.), PGT
Address:
RZ-110-A, B-Block, Gali No.7
Prem Nagar, Najafgarh
New Delhi- 110043
18. Mrs. Santosh Devi
61 years, Group-B (Retd.), TGT
Address:
A-202, Chandreja CGHS, Plot
No.8, Sector-4, Dwarka,
New Delhi-110075.

... Applicants

(By Advocate: Sh. Vidya Sagar)

Versus

1. Union of India
Through
The Secretary
Department of Personnel & Training
Government of India
North Block
New Delhi-110001
2. The Director of Education
Govt of NCT of Delhi
Old Secretariat
Civil Lines,
Delhi 110054.

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Respondents

(By Advocate: Sh. Saurabh Chadda, Sh. Satish Kumar,
Sh. Kapil Agnihotri)

OA No.82/2021

Sh. Ram Nauj Tyagi,
Aged about 64 years,
S/o Late Pithi Singh
R/o H.No.286, Mangal Bazar Wali Gali,
Burari Village, Delhi-110084.

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Applicant

(By Advocate: Mohit Tyagi and Sh. Prakhar Bhatnagar)

Versus

Government of National Capital Territory of Delhi
Directorate of Economics & Statistics,
Through its
Joint Director/HOO
Vikas Bhawan-II, B-Wing,
III Floor, Bela Road, Delhi-110054.

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Respondents

(By Advocate: Ms. Esha Mazumdar)

OA No.173/2021**MA No.202/2021**

1. Sh. Arun Kumar Goel,
Aged about 61 years,
Retd. Executive Engineer (Civil), CPWD
R/o , 438, Gaur Green Avenue,
AbhayKhand II,
Indirapuram,
Ghaziabad 201 010
2. Sh. Harish Chandra,
Aged about 61 years,
Retd. Executive Engineer (Civil), CPWD
R/o 107, Krishilok Society,
Sector 45, Faridabad,
Haryana-121010.
3. Sh. Rishi Pal Singh,
Aged about 61 years,
Retd. Executive Engineer (Civil), CPWD



R/o. G-I-205, Indra Enclave,
Sector 21-D, Faridabad
Haryana.

4. Sh. Prem Prakash Johrti,
Aged about 61 years,
Retd. Assistant Engineer (Electrical), CPWD
R/o C-2/16, Printers Apartment,
Sector 13, Rohini,
Delhi 110 085
5. Sh. Anil Kumar Saxena,
Aged about 63 years,
Retd. Executive Engineer (Electrical), CPWD
R/o. Flat No. 1010, Tower-B,
16th Avenue, Gaur City-II,
Greater Noida West,
Uttar Pradesh.
6. Sh. Awadhesh Kumar Pandey,
Aged about 62 years,
Retd. Assistant Engineer (Civil), CPWD
R/o. AG-I/125C,
Vikas Puri,
New Delhi 110 018.
7. Sh. Raj Kumar,
Aged about 61 years,
Retd. Assistant Engineer (Civil), CPWD
R/o 129, Amit Apartment
Sector 13, Rohini,
Delhi 110 085
8. Sh. Sudhish Kumar Sharma,
Aged about 61 years,
Retd. Assistant Engineer (Civil), CPWD
R/o, G-I/42, Sector 11,
Rohini,
Delhi 110 085
9. Sh. Taranjit Singh,
Aged about 61 years,
Retd. Assistant Engineer (Electrical), CPWD
R/o, G-23, G-Block, Hari Nagar,
Jail Road,
Delhi 110 058.



10. Sh. SBalkrishan Arora,
Aged about 61 years,
Retd. Chief Estimator, CPWD
R/o, WZ-211 A, IIIrd Floor, Gali No,7,
Lajwanti Garden,
New Delhi 110 046.
11. Ms. Suveera Gupta,
Aged about 62 years,
Retd. Office Superintendent, CPWD
R/o, C-81, Ramprastha,
Ghaziabad,
Uttar Pradesh-201011
12. Ms. Anita Dhingra,
Aged about 62 years,
Retd. Stenographer Grade-I, CPWD,
R/o 2B/61, 3rd Floor,
Ramesh Nagar,
New Delhi 1100 015.
13. Sh. Anil Kumar Mutreja,
Aged about 61 years,
Retd. Assistant Engineer (Civil) PWD
R/o T-701, Vasundhara Valley Apartment,
Sector 6, Plot No. GH-3
Vasundhara, Ghaziabad,
Uttar Pradesh-201 012
14. Sh. Deepak Kumar,
Aged about 61 years,
Retd. Assistant Engineer (Civil), PWD
R/o, CA/72-D,
Shalimar Bagh,
Delhi 110 088
15. Sh. Radhakant Gupta,
Aged about 61 years,
Retd. Assistant Engineer (Civil), PWD
R/o 501, Sector 3,
R.K. Puram, New Delhi 110 022.

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Applicant
(By Advocate: Sh. Setu Niket)

Versus



1. Union of India,
Through Director General,
Central Public Works Department,
Nirman Bhawan, New Delhi.

2. The Secretary,
Public Works Department,
Govt. of NCT of Delhi,
Delhi Secretariat,
I.P. Estate, New Delhi.

3. The Secretary,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training,
North Block, New Delhi.

... Respondents

(By Advocate: Sh. Sanjeev Yadav and Sh. Amit Yadav)

OA No.183/2021

Upma Agarwal,
W/o Mr. Bharat Bhushan Gupta,
G-1, H.No.48, Madangir.

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Applicant

(By Advocate: Dr. Swati Jindal Garg)

Versus

1. Dy. Director of Education,
S.D.M.C. South Zone, Green Park,
Zonal Office Building,
Green Park, New Delhi-110017.

2. Deputy Commissioner,
S.D.M.C., Green Park,
New Delhi-110017.

3. The Principal,
SDMC Primary School No.2 (g) Tigri,
Dr. Ambedkar Nagar, Sector-1,
New Delhi-110062.

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Respondents

(By Advocate: Sh. C.Bheemanna and Sh. R.K.Jain)

OA No.184/2021

Suman Lata,
W/o Mr. Ved Kumar,
R-65, Khirki Extension,
Malviya Nagar, Delhi.

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Applicant

(By Advocate: Dr. Swati Jindal Garg)

Versus

1. Dy. Director of Education,
S.D.M.C. South Zone, Green Park,
Zonal Office Building,
Green Park, New Delhi-110017.
2. Deputy Commissioner,
S.D.M.C., Green Park,
New Delhi-110017.
3. The Principal,
SDMC Primary School No.2 (g) Tigri,
Dr. Ambedkar Nagar, Sector-1,
New Delhi-110062.

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Respondents

(By Advocate: Sh. R.K.Jain)

OA No.673/2021

Sube Singh (Age 72 years),
(Ex-superintendent)
S/o Late Shri Shish Ram,
R/o H.No.107, Street No.4, Ward No.1,
Vikas Nagar, Phase-1,
Bahadurgarh,
Haryana-124507.



Applicant

(By Advocate: Sh. Mithilesh Kumar Gupta)

Versus

1. Union of India through
The Directorate of Logistics, Customs and
Indirect Tax,
(earlier Directorate of Preventive Operations),
4th floor, A Wing Lok Nayak Bhawan,
Khan Market,
New Delhi-110011.
2. Department of Personnel & Training,
Ministry of Personnel, Public Grievances &
Pensions,
North Block,
New Delhi-110001
(Through Secretary).

Respondents

(By Advocate: Sh. R.S.Rana and Sh. R.K.Jain)

OA No.692/2021

Dr. Rajinder Parshad,
Aged about 76 years, Group-(Scientific),
S/o Late Shri Jaswant Rai,
R/o B-1/19-B, First floor,
Paschim Vihar, New Delhi-110063.

Applicant

(By Advocate: Ms. Varsha Agarwal)

Versus

1. Union of India
Represented by its Secretary,
Department of Personnel and Training,
North Block, New Delhi-110001.



2. Department of Pension and Pensioner's Welfare,
Lok Nayak Bhawan,
Khan Market, New Delhi-110003.
3. Secretary,
Indian Council of Agricultural Research,
Ministry of Agriculture and Farmers Welfare,
Government of India,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110001.

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Respondents

(By Advocate: Sh. Gyanendra Singh)

OA No.704/2021**MA No.907/2021**

1. Ashwani Kumar Mehta,
S/o Late Sh. Nanak Chand Mehta,
Aged about 60 years,
R/o Flat No.309,
Hingiri Apartment, J-Block,
Vikaspuri, New Delhi-18.
2. Parminder Singh Dhariwal,
S/o Sh. G.S.Dhariwal,
Aged about 60 years,
R/o M-331 (FF), Guru Harkrishan Nagar,
Paschim Vihar, New Delhi-87.

... Applicants

(By Advocate: Sh. Anmol Pandita)

Versus

1. Govt. of NCTD through Chief Secretary,
Govt. of NCTD, Delhi Secretariat,
I.P.Estate, New Delhi.
2. The Director,
Directorate of Education,



- Govt. of NCTD,
Old Secretariat, Delhi.
3. The Deputy Secretary (GAD),
Govt. of NCTD,
General Administrative Department,
(Administration Branch),
Level-II, 'A' Wing, Delhi Secretariat,
I.P.Estate, New Delhi.
 4. The Dy. Director of Education,
District West-B,
O/o Dy. Director of Education,
District West-B, G-Block, Vikaspuri,
New Delhi-18
(Administration Branch)
 5. Secretary,
Department of Personnel & Training,
North Block, New Delhi.
 6. Pay & Accounts Officer,
Central Pension Accounting Office,
Ministry of Finance, Govt. of India,
Trikoote-II Complex,
Bhikaji Cama Place,
New Delhi-110066.

... Respondents

(By Advocate: Sh. G.S.Virk and
Ms. Esha Mazumdar)

OA No.761/2021

1. Sh. Dr. Hemraj Singh,
Age 63 years Old,
S/o Late Sh. Jagdev Singh,
R/o H.No.370, Street No.05, B-Block,
Sonia Vihar, Delhi-110090.
2. Sh. Surendra Kumar,
Age 64 years Old,



S/o Late Sh. Vasudev Verma,
R/o H.No. H-28, Harilok Colony,
Sarai Road, Jwalapur, Haridwar,
Uttarakhand 249407.

3. Sh. Nand Kishore,
Age 63 years Old,
S/o Late Sh. Het Ram Sharma
R/o B-786, Ground Floor, DDA MIG Flats,
Chitra Koot Colony, East of Loni Road,
Delhi-110093.
4. Sh. Krishana Dutt Sharma,
Age 63 years Old,
S/o Sh. Khachiru Singh Sharma,
R/o C-38/1, Balram Nagar, near water tank Loni,
(Gbzd) 201102.
5. Sh. Bhagwat Singh,
Age 66 years old,
S/o Sh. Kudey Singh
R/o H.No.131, Gali no.01, Village Gamri,
Delhi-110053.
6. Mrs. Rajdulai Sharma,
Age 63 years Old,
W/o Sh. Om Pal Singh,
R/o B-81/4, Gali No.2, North Chajjupur,
Delhi-110094.
7. Sh. Nanak Chandra Shankhwar,
Age 66 years Old,
S/o Sh. Chhedalal
R/o A1/39, Nand Nagari,
Delhi- 110093.
8. Sh. Rajvir Singh, Group-B
Age 63 years Old,
S/o Sh. Shyam Singh
R/o H no. A/819, Gali no-11 Meet Nagar,
Delhi 110094.



9. Mrs. Urmil Khanna, Group-A
Age 64 Years Old,
W/o Sh. Rajan Khanna
R/o T- 2486, Subhash Mohalla Faiz Road,
Karol Bagh, New Delhi 110005.
10. Sh.Kiran Singh, Group-A
Age 63 years Old,
S/o Sh. GirdhariLal
R/o A-14/298, Brij Puri, Wazirabad Road,
Delhi 110094.
11. Mrs. Kanak Lata, Group-B
Age 63 year Old,
W/o Sh. Krishan Shandilya
R/o 1449/177-A, Gali No.04, Block -A,
Durga Puri, Delhi 110093.
12. Mrs. Saroj Gaur, Group-B
Age 61 years old,
W/o Sh. Vijay Kr Sharma,
R/o C- 1056 LIG Flats,
East of Loni Road, Delhi -110093.

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Applicants

(By Advocate: Sh. Anmol Pandita)

Versus

1. Chief Secretary,
Govt. of NCTD,
Delhi Secretariat,
I.P. Estate, New Delhi
2. The Director,
Directorate of Education
Govt. of NCTD,
Old Secretariat, Delhi
3. The Deputy Secretary (GAD),



Govt. of NCTD,
General Administrative Department,
(Administration Branch),
Level-11, 'A' Wing, Delhi Secretariat,
I.P. Estate, New Delhi.

4. The Dy. Director of Education,
District North East Ist
Dy. Director of Education,
District -North East Ist
B--Block, Yamuna Vihar, New Delhi-53
5. The Dy. Director of Education,
District North East II
Dy. Director of Education,
District North East II
B--Block, Yamuna Vihar, New Delhi-53
6. Secretary,
Department of Personnel & Training,
North Block, New Delhi.
7. Pay & Accounts Officer
Central Pension Accounting Office,
Ministry of Finance, Govt. of India,
Trikot-II Complex, Bhikaji Cama Palace,
New Delhi-110066

... Respondents

(By Advocate: Ms. Esha Mazumdar)

O.A. No. 1360/2020 & M.A. No. 871/2021

Satya Dev Singh
Age 67 years
Retd. Group "A" Officer
Resident of : H. No. 530-A,
Street No. 7, Block – B,
Vasant Kunj Enclave
New Delhi – 110070

... Applicant

(By Advocate : Shri Vidya Sagar)

Versus

1. Union of India
Through the Secretary
Ministry of Rural Development
Krishi Bhawan, New Delhi.
2. Secretary
Department of Personnel & Training
North Block, New Delhi - 110001

... Respondents

(By Advocate : Shri A.K. Singh)

O.A. No. 3624/2019 & M.A. No. 1152/2021

Tejpal Singh Maan
Group – B, Non-Gazetted
62 years
C-74A, Street No. 8
Khajuri Khas
Delhi – 110090
(Mobile No. 8851370707)

... Applicant

(By Advocate : Shri Vidya Sagar)

Versus

1. Union of India
Through: The Secretary
Department of Personnel & Training
Government of India
North Block,
New Delhi – 110001
2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat, Civil Lines, Delhi – 110054
3. The Dy. Director
Zone – 9, Distt. North-West A
BL Block, Shalimar Bagh, Delhi - 110088

... Respondents

(By Advocate : Shri Saurabh Chadda)

O.A. No. 1141/2020

Chandra Kumar Ojha, Aged 64 years, A
Retired Principal from KVS
r/o 645/A/1285, Saraswatipuram,
Jankipuram Extension,
Lucknow (UP).

... Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Human Resources Development,
Shastri Bhawan, New Delhi.
2. The Secretary,
Ministry of Personnel,
Department of Personnel & Training,
North Block, New Delhi.
3. The Secretary,
Ministry of Finance,
Department of Expenditure,
Govt. of India, North Block,
New Delhi.
4. The Commissioner,
Kendriya Vidyalaya Sangathan (HQ),
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-6

... Respondents

(By Advocate : Shri U.N. Singh and Shri Manish Kumar)

O.A. No. 1402/2020

Dr. Atul Kumar Gupta, aged 60 years, 'B'
S/o Sh. Y.V. Gupta,
Retired as Research Officer (Training)
Homoeopathic Pharmacopoeia Laboratory,
Ghaziabad (UP)
r/o 233, New Arya Nagar, Ghaziabad (UP).

... Applicant

(By Advocate : Shri Yogesh Sharma)



Versus

1. Union of India through the Secretary,
Ministry of AYUSH, AYUSH Bhawan,
'B' Block, GPO Complex, INA, New Delhi.
 2. The Secretary,
Ministry of Personnel,
Department of Personnel & Training,
North Block, New Delhi.
 3. The Secretary,
Ministry of Finance,
Department of Expenditure,
Govt. of India, North Block, New Delhi.
 4. The Director,
Homoeopathic Pharmacopoeia Laboratory,
Kamla Nehru Nagar, Ghaziabad (UP)
- ... Respondents

(By Advocate : Shri Manish Kumar)

O.A. No. 1500/2020

Shri Suraj Singh Yadav,
Retd. As Chief Office Superintendent,
Aged 61 year, Group – C,
R/o = C-18, Hari Nagar,
Badarpur, New Delhi.

... Applicant

(By Advocate : Shri Manjeet Singh Reen)

Versus

Ministry of Railway & Others : through

1. The Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.
2. The Joint Director,
Pay Commission,



Ministry of Railways,
Railway Board, New Delhi.

3. The General Manager,
North Western Railway,
Jaipur (Rajasthan).
4. The Chief Administrative Officer,
(Constn), North Western Railway,
Station Road, Jaipur (Rajasthan).

... Respondents

(By Advocate : Shri V.S.R.Krishna,
Shri Krishna Kant Sharma and
Shri A.K. Singh)

O.A. No. 1501/2020

1. Shri Laxmikant Gaur,
Retd. Staff Welfare Inspector,
Group – C, Aged about 62 year
R/o - C/o Shri Mukesh Sharma,
Karawal Nagar, Prem Gali, Mangal Bazar, Delhi.
2. Shri Rambaboo Chaturvedi,
Retd. Chief Office Superintendent,
Group –C, Aged 64 year
R/o H. No. 75 A Ext No 1-C Dagda Road,
Nangloi
Delhi – 110041.
3. Shri Ramesh Kumar Saxena
Retd as Office Superintendent,
Aged about 63 year, Group – C
R/o C/o Dinesh Verma C-207
Gandhi Vihar Delhi – 9.
4. Shri Mahendra Kumar Gupta,
Retd. Mail/Exp Guard,
Group – C, Aged 61 year
R/o H. No. WB 158 D Block,
Uttam Nagar, New Delhi.

... Applicants

(By Advocate : Shri Manjeet Singh Reen)

Versus



Ministry of Railway & Others : through

1. The Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan, New Delhi.
2. The Joint Director,
Pay Commission,
Ministry of Railways,
Railway Board, New Delhi.
3. The General Manager,
West Central Railway, Jabalpur.
4. The Divisional Railway Manager,
West Central Railway,
Kota Division, Kota (Rajasthan).
5. The Secretary,
Department of Personnel & Training,
North Block Secretariat, New Delhi.

... Respondents

(By Advocate : Shri V.S.R.Krishna, Shri Krishna Kant Sharma and Shri A.K. Singh)

O.A. No. 1511/2020

1. Shri Salim Ahmed Khan,
Retd. As TCM-I,
Kota Division W C R
Group – C, Age 60 year,
R/o = Flat No 234,
Arnodaya Apt F-Block,
Vikaspuri, New Delhi.
2. Shri Jagdish Chandra Sharma,
Retd. As Dy. S.S.
Kota Division W C R
Group – C, Age 60 year,
R/o = 38 Prateek Apptt
Paschim Vihar, New Delhi.
3. Shri Suresh Kumar,
Retd. As TCM-I,
Kota Division W C R
Age 60 year, Group – C



R/o = CZ – 74 Block III
Uttam Nagar, New Delhi.

4. Shri Bal Chand,
Retd. As Pointsman-B,
Kota Division W C R
Group – C, Age 60 year,
R/o = E-75, IInd Floor Deepak Niwas
Pritam Pura, New Delhi

...Applicants

(By Advocate : Shri Manjeet Singh Reen)

Versus

Ministry of Railway & Others : through

1. The Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan, New Delhi.
2. The Joint Director,
Pay Commission,
Ministry of Railways,
Railway Board, New Delhi.
3. The General Manager,
West Central Railway, Jabalpur.
4. The Divisional Railway Manager,
West Central Railway,
Kota Division, Kota (Rajasthan).
5. The Secretary,
Department of Personnel & Training,
North Block Secretariat, New Delhi.

... Respondents

(By Advocate : Shri V.S.R.Krishna, Shri Krishna Kant
Sharma and Shri A.K. Singh)

OA No.1512/2020

1. Shri Rajdeep Kumar Sharm
Retd as Office Superintendent,
Agra Division, NC Rly
Group-C, Aged 60 Year,
R/o- F-93, Flut No. A-14,

IInd Floor, Near Qutub Hotel,
Katwaria Sarai, New Delhi.



2. Shri Ram Pal Sharma,
Retd as TTI,
Agra Division N C Rly
Group-C, Aged 60 Year,
R/o- C/o Kalichnran
H No C-125 Rajpur Khurd
Near Madan Nagar Ghari
Chhatarpur, New Delhi -110068

... Applicants.

(By Advocate: Sh. Manjeet Singh Reen)

Versus

Ministry of Railway & Others: through

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan,
New Delhi.
2. The Joint Director,
Pay Commission,
Ministry of Railways,
Railway Board,
New Delhi.
3. The General Manager,
North Central Railway,
Subedar Ganj,
Allahabad N C Rly (U.P).
4. The Divisional Railway Manager,
North Central Railway,
Agra Cantt,
Agra-282001.
5. The Secretary,
Department of Personnel & Training
North Block Secretariat,
New Delhi.

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Respondents.

(By Advocate: Shri V.S.R.Krishna, Shri Krishan Kant Sharma and Shri Manish Sharma)



OA No.1514/2020

1. Shri Jagdish Prasad Solanki,
Retd as Chief Reservation Supervisor,
Agra Division , NC Rly
Group-C, Aged 61 Year,
R/O- B-67, Sector-5,
Near Main Market, Bhajan Pura,
Delhi.
2. Shri Pyare Lal
Retd as Office Superintendent,
Agra Division NC Rly
Group-C, Aged 61 Year,
R/o C/o Kamal Singh
H No C-20 Gali No -4
Niti Vihar, Kirari, Nangloi
New Delhi 110086
3. Sh Anil Kumar Sharma,
Retd as Station Master,
Agra Division N C Rly,
Group-C, Aged 61 year,
R/O C/o Prabhati Ram
H No 360, Ashok Nagar
Vasundhra. New Delhi
4. Shri Mahendra Pal Singh,
Retd as Office Superintendent
Agra Division N C Rly
Bridge, Aged 64 year,
Group-C,
R/o-C/O WE 278 Block -D
Uttam Nagar, New Delhi

... Applicants

(By Advocate: Sh. Manjeet Singh Reen)

Versus

Ministry of Railway & Others through

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan,

New Delhi.



2. The Joint Director,
Pay Commission,
Ministry of Railways,
Railway Board,
New Delhi.
3. The General Manager,
North Central Railway
Subedar Ganj.
Allahabad (U.P).
4. The Divisional Railway Manager,
North Central Railway
Agra Cantt,
Agra-282001
5. The Secretary,
Department of Personnel & Training
North Block Secretariat,
New Delhi.

....Respondents

(By Advocate: Shri V.S.R.Krishna, Shri Krishan Kant
Sharma and Shri A.K.Singh)

OA No.2197/2020

Leela Sajwan
Aged about 61 years
W/O Shri Jagmohan Sajwan
R/O: RZ-2802/A,
Lane NO.32, Tughlakabad Extension,
New-Delhi-110019

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Applicant
(By Advocate: Sh. Mukesh Kumar Singh)

Versus

1. The Commissioner Data Management (HoD),
Directorate of Data Management,
Central Board of Indirect Taxes and Customs
Department of Revenue
Ministry of Finance,
Government of India
3rd Floor, A-Wing, Pushpa Bhawan,

Madangir, New Delhi-110062



2. Union of India
Through
Secretary,
Pension, Administrative Reforms and Grievances
Department of Pension and Pensioner's Welfare
Ministry of Personnel, Public Grievances and
Pensions,
Lok Nayak Bhawan, Khan Market
New Delhi - 110003

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Respondents

(By Advocate: Sh. Satish Kumar)

OA No.2200/2020

Mr. Jagmohan Sajwan
Aged about 61 years
S/O Late Shri Thakur Sigh Sajwan
R/O RZ-2802/A,
Lane NO.32, Tughlakabad Extension,
New-Delhi-110019.

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Applicant

(By Advocate: Sh. Mukesh Kumar Singh)

Versus

1. The Director,
National Crime Records Bureau,
Ministry Of Home Affairs,
Government of India,
NH-8, Mahipalpur,
New Delhi- 110037
2. Union of India
Through
Secretary
Pension, Administrative Reforms and Grievances,
Department of Pension and Pensioner's Welfare,
Ministry of Personnel, Public Grievances and
Pensions,
Lok Nayak Bhawan,
Khan Market,
New Delhi - 110003

... Respondents

(By Advocate: Sh. Gyanendra Singh)



OA No.778/2019
MA No.1153/2021

1. Jang Bahadur Singh
64 years, Group-A (Retd.), DD. (Edun).
(Mobile No. 99108 90657)
130, DDA SFS Flats
Pocket-I, Sector-9, Dwarka,
New Delhi-110077

2. Sh. Jai Bhagwan Verma,
62 Year, Group-B, PGT
G-1/74, Sector-11, Rohini,
Delhi-85

3. Sh. Suraj Bhan
61 Years, Group-C (Retd.), Lab. Asstt.
Address:
121, Chaudhary Mohalla,
Near Bus Stand,
Dhool Siras Village
New Delhi-110071

4. Raghubir Singh Raghav,
60 Years, Group-C (Retd.), Head Clerk
Address:
H. No. 506, V&PO Bijwasan
New Delhi-110061

... Applicants

(By Advocate: Sh. Vidya Sagar)

Versus

1. Union of India
Through:
The Secretary
Department of Personnel &
Training
Government of India
North Block
New Delhi-110001

2. The Director of Education
Govt. of NCT of Delhi



Old Secretariat
Civil Lines
Delhi 110054

Respondents

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(By Advocate: Sh. Saurabh Chadd and Sh. Satish Kumar)

OA No.1592/2019

Suresh Sharma,
Retired Additional Controller (Admn.), NTRO
Aged 64+years (Senior Citizen)
S/o Late Shri O.P. Sharma,
R/0305, Pink Apartments,
Sector 18-B, Dwarka,
New Delhi-110078

..Applicant

(By Advocate: Sh. M.K.Bhardwaj)

Versus

1. National Technical Research Organisation
through its Chairman,
Block-III, Old JNU Campus,
New Delhi-110067

2. The Secretary,
Department of personnel and Training
North Block, New Delhi- 110001

3. Dy. Director & Head of Office
National Technical Research Organisation
Block-III, Old JNU Campus,
New Delhi-110067

..Respondents

(By Advocate: Sh. Hanu Bhaskar)

OA No.1616/2019

Sanat Kumar Ray,
Retired Additional Secretary &
Financial Adviser (Group A)
Aged about 68 years (Senior Citizen)
S/o Late Sushil Kumar Ray,
R/o A-504, Daffodils CGHS Ltd.,

Plot No.36, Sector-6, Dwarka,
New Delhi-110075.



Applicant
(By Advocate: Sh. Suresh Sharma)

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Versus

Union of India

1. Through Secretary (HRD),
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi-110001.
2. Secretary,
Department of Personnel and Training,
North Block, New Delhi-110001.

... Respondents

(By Advocate: Sh. Rajeev Kumar)

OA No.2244/2019

1. Lal Chand Maurya, Aged 62+Years,
Retd.Asst. Engineer (E),CPWD (Group 'B')
S/o Late Shri Ram Sukh Maurya
R/o Flat No.218, Gaur Galaxy Apartments
Sector-5, Vaishali, Ghaziabad ,U.P.
2. Radhey Shyam, Aged 62+ Years
Retd Asstt. Engineer (E), CPWD (Group B')
S/o Late Shri Vishambhar Dutt
R/o C-245 B, Main 100 Foota Road
Hardev Puri, Delhi-110093
3. Tejpal Singh, Aged 61+ Years
Asstt. Engineer(E), CPWD (Group 'B')
S/o Late Shri Jagmer Singh
R/o B-77/1A, Gali No.3 Krishna Gali
North Chhajjupur, Delhi-110094
4. Anand Prakash Singh Shishodia, 61+ Years
Asstt. Engineer (E), CPWD (Group 'B')
S/o Late Shri Mahipal Singh
R/o C-39, Paramount Golf Forest,
Plot No. BGH-A, Site-C, UPSIDC
Opposite Zeeta Sector.



5. Deepak Sabharwal, 61+ Years
Asstt. Engineer (E), CPWD (Group 'B')
S/o Late Shri G.K.Sabharwal
R/o 25, Sukh Vihar
Delhi-110051.

6. Sanjeev Misra, 61+ Years
Asstt. Engineer (E), CPWD (Group 'B')
S/o Late Shri M.C.Mishra
R/o B-226, Sector 37
Greater Noida, Distt. G.B.Nagar
U.P.- 201306

7. Vijay Singh
Asstt. Engineer (E), CPWD (Group 'B')
S/o Late Shri Nila Singh
R/o 82, Shiv Shakti Vihar, Lajpat Nagar
Sahibabad, Shalimar Garden, Pasonda
Ghaziabad, U. P. - 201005

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Applicants

(By Advocate: Sh. Suresh Sharma)

Versus

Union of India, Through

1. Secretary, Ministry of Urban Development
Nirman Bhawan, New Delhi-110011
2. Director General, CPWD
Nirman Bhawan, New Delhi-110011
3. Secretary,
Department of Personnel and Training
North Block, New Delhi-110001 .

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Respondents

(By Advocate: Sh. Rajeev Kumar)

**Item No. 31****O R D E R (Oral)****Mr. Justice L. Narasimha Reddy:**

In this batch of OAs, the only question that arises for consideration is as to whether an employee, who retired on 30th June of a year or 31st December of a preceding year, is entitled to be extended the benefit of increment that falls due on 1st July or 1st January of the next year, as the case may be. While the applicants in some of the cases have retired on 30th June, others retired on 31st December. They were denied the benefit of increment, which was otherwise due to them, only on the ground that by the time the increment became due, they were not in service.

2. The applicants contend there was absolutely no basis for the respondents in denying the benefit to them. Reliance is placed upon many orders passed by the Tribunal as well as the different Hon'ble High Courts. It is also stated that the judgments rendered by the Hon'ble High Courts were affirmed in some of the SLPs. Particulars thereof are also furnished.

3. The respondents filed the counter affidavits in respective OAs. Their stand is that with the retirement, the relationship of the employee with the Government ceases and once he is out

of service, the Fundamental Rules do not permit extension of any benefit.



4. We heard Mr. Vidya Sagar, Mr. Mohid Tygagi, Mr. Setu Niket, Dr. Swati Jinidal Garg, Mr. Mithilesh Kumar Gupta, Ms. Versha Agarwal, Mr. Anmol Pandita, Mr. Yogesh Sharma, Mr. MS Reen, Mr. Mukesh Kumar Singh, Mr. MK Bhardwaj, Mr. Suresh Sharma, learned counsel for applicants and Mr. VSR Krishna, Mr. Satish Kumar, Mr. Saurabh Chadda, Mr. Kapil Agnihotri, Ms. Esha Mazumdar, Mr. Sanjeev Yadava, Mr. Amit Yadav, Mr. C. Bheemanama, Mr. R.K. Jain, Mr. Ritu Singh, Mr. RS Rana, Mr. RK jain, Mr. Gyanendra Singh, Mr. GS Virk, Mr. Saurabh Chadda, Mr. UN Singh, Mr. Manish Kumar, Mr. KK Sharma, Mr. Rajeev Kr., learned counsel for the respondents.

5. The issue as mentioned above, fell for consideration in a large number of cases. The Benches of this Tribunal as well as the different Hon'ble High Courts have taken the view that the increment becomes payable on account of the satisfactory service rendered by the employee for the preceding six months, and the mere fact that he retired one day earlier, should not be factored to deny him the benefit. It is also a matter of record that some SLPs filed against the detailed orders passed by the Hon'ble High Courts were dismissed.

6. It is true that in **Union of India Vs. M. Siddaraj** (SLP No. 4722/2021), the Hon'ble Supreme Court passed an order



recently on 05.04.2021, directing that the pension shall be granted to the respondents therein on the basis of the last pay drawn as on 30th June, 2014. Learned counsel for the applicants submit that they verified the record and found that the respondents in the said SLP were already extended the benefit of increment, at the last day of their service.

7. Be that as it may, once the various benches of the Tribunal, the Hon'ble High Courts and the Hon'ble Supreme Court held that the increment, which became due on 1st July or 1st January as the case may be, needs to be released for the employees, who retired one day earlier thereto, the applicants herein cannot be denied such benefit.

8. To protect the interests of the respondents, we direct that in case any different view is taken by the Hon'ble Supreme Court in SLP No. 4722/2021, the applicants shall be under obligation to refund the benefit that is extended to them. In the corresponding orders, a clause can be incorporated to that effect.

9. We make it clear that extension of benefit of increment shall be subject to their fulfilling other conditions under the relevant service rules.

10. For the foregoing reasons, the OAs are allowed, directing that:



- (a) for such of the employees, who retired on 30th June of any particular year, increment payable on 1st July shall be extended. Their pensions shall also be revised, subject to their fulfilling other conditions which are applicable. The arrears that become due shall be paid without interest;
- (b) Similarly for employees, who retired on 31st December of a particular year, the increment payable on the 1st January of the next year shall be extended and pension revised, subject to same conditions in the same manner.
- (c) While extending such benefits, a clause shall be incorporated to the effect that in case the Hon'ble Supreme takes a different view in the Civil Appeal arising out of SLP No. 4722/2021, they shall be under obligation to refund the entire benefit without any demur.

The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Pending MAs shall also stand disposed of. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/vb/lg/akshaya