



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 10TH DAY OF NOVEMBER 2023 / 19TH KARTHIKA,
1945

OP (CAT) NO. 171 OF 2023

JUDGMENT IN OA 138/2020 OF CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH

PETITIONERS/APPLICANTS IN OA:

- 1 K.N. SOMAN, AGED 66 YEARS
S/O. NANU, RETIRED POSTMAN (TBOP), DEPARTMENT OF
POSTS, NEW DELHI SOUTH WEST DIVISION - 110 021,
RESIDING AT JYOTHISH BHAVANAM, PALLICKAL,
PANAYIL NOORANAD, ALAPPUZHA, PIN - 690504
- 2 REMADEVI AMMA R., AGED 67 YEARS
W/O. S. MURALEEDHARAN PILLAI, RETIRED POSTMAN
(HSG-I), DEPARTMENT OF POSTS, KAYAMKULAM H.O.,
ALAPPUZHA - 690 101., RESIDING AT KALPAKASSERIL
PUTHIA VILA, PATTOLI MARKET P.O., ALAPPUZHA, PIN
- 690531

BY ADVS.
VIVEK A.V.
AMMU M.

RESPONDENTS/RESPONDENTS IN OA:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
OF INDIA, DEPARTMENT OF POSTS, GOVERNMENT OF
INDIA, NEW DELHI, PIN - 110001



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- 2 THE CHIEF POSTMASTER GENERAL
DELHI CIRCLE, O/O. THE CHIEF PMG, DELHI CIRCLE,
NEW DELHI, PIN - 110001
- 3 THE CHIEF POSTMASTER GENERAL
KERALA CIRCLE, THIRUVANANTHAPURAM, PIN - 695033
- 4 THE SENIOR SUPERINTENDENT OF POST OFFICE
NEW DELHI SOUTH WEST DIVISION, CHANKYAPURI, NEW
DELHI, PIN - 110021
- 5 THE SUPERINTENDENT OF POST OFFICE
MAVELIKKARA POSTAL DIVISION, MAVELIKKARA, PIN -
690101

BY ADV ACHUTH KRISHNAN R

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON
10.11.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

A. MUHAMED MUSTAQUE, J.

This original petition has been filed challenging an order of the Central Administrative Tribunal (for short, "the Tribunal"). The order is part of a common order.

2. The issue is whether a government servant, who retired on the last working day of the preceding month and whose annual increment falls due in the succeeding month, is entitled to such increment. This issue has been answered in favour of the government servant in a batch of original petitions [OP(CAT) No.65 of 2023 and connected cases] filed before this Court.

Therefore, in the light of the above judgment, the original petition stands allowed and the impugned order is set aside. The petitioner



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would be entitled to similar benefits as applicable in the light of the judgment as above.

Sd/-

A. MUHAMED MUSTAQUE

JUDGE

Sd/-

SHOBA ANNAMMA EAPEN

JUDGE

bka/-



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APPENDIX OF OP (CAT) 171/2023

PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2013/DE/50214/IX DATED 17.04.2013 ISSUED BY THE GM FINANCE, POSTAL ACCOUNT OFFICE, SHAMNATH MARG CIVIL LINES, DELHI TO THE 1ST PETITIONER
- Annexure A2 A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2015/KE/22472/1/PEN1 DATED 30.01.2015 ISSUED BY THE DIRECTOR OF POSTAL ACCOUNTS, KERALA CIRCLE TO THE 1ST PETITIONER
- Annexure A3 A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2012/KE/21109/PEN6 DATED 06.06.2012 ISSUED BY THE DIRECTOR OF ACCOUNTS (POSTAL) KERALA CIRCLE TO THE 2ND PETITIONER
- Annexure A4 A TRUE COPY OF THE JUDGMENT DATED 15.09.2017 IN W.P.(C) NO. 15732/2017 OF THE HON'BLE MADRAS HIGH COURT
- Annexure A5 A TRUE COPY OF THE ORDER DATED 23.07.2018 IN S.L.P.(CIVIL) DIARY NO. 22283/2018 OF THE HON'BLE SUPREME COURT OF INDIA
- Annexure A6 A TRUE COPY OF THE REPRESENTATION DATED 05.02.2019 SUBMITTED BY THE 1ST PETITIONER TO THE 4TH RESPONDENT
- Annexure A7 A TRUE COPY OF THE REPRESENTATION DATED 05.02.219 SUBMITTED BY THE 2ND PETITIONER TO THE 5TH RESPONDENT
- Annexure R1 A TRUE COPY OF THE EXTRACT OF THE CCS (REVISED) PAY RULES, 2006



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- Annexure R2 A TRUE COPY OF THE O.M. NO.
1396752/2019-ESTT(PAY-I) DATED
11.11.2019 ISSUED BY THE DOPT
- Exhibit P1 A TRUE COPY OF THE FINAL ORDER DATED
01.11.2022 IN O.A. NO. 138/2020 OF THE
HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH
- Exhibit P2 A TRUE COPY OF THE O.A. NO. 138/2020
FILED BY THE PETITIONERS BEFORE THE
HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH
- Exhibit P3 A TRUE COPY OF THE REPLY STATEMENT
FILED BY THE RESPONDENTS IN O.A. NO.
138/2020 OF THE HON'BLE CAT
- Exhibit P4 A TRUE COPY OF THE JUDGMENT DATED
11.04.2023 IN THE DIRECTOR (ADMN AND
HR) KPTCL V. C.P. MUNDINAMANI, (AIR
2023 SC 1956) OF THE HON'BLE APEX
COURT