

10. At the outset, it is required to state that issue involved in the present case in respect of grant of one extra increment in BRC Grade-III one year prior to retirement is now not in *res integra*. It can be seen that the CAT Ernakulam Bench in OA No.91/2011 vide order dated 15.03.2012 have categorically held as noted hereinabove. The same has been followed by CAT- Chandigarh Bench and subsequently followed by CAT Madras Bench in OA No.2018/2017 vide order dated 17.2.2017. It suffices to state that the decision of the DoT dated 04.11.2011 (Annexure R/1) which has been referred to by the CAT Ernakulam to justify their stand to deny the claim of the applicant therein and after considering the same, CAT Ernakulam Bench passed the order as referred hereinabove. In absence of any material contrary to it, we have no hesitation to accept the submission of the learned counsel for the applicants.



11. In view of the above, the OA is partly allowed. The respondents are directed to consider the benefits of grant of one extra increment in BRC Grade-III one year prior to retirement the one extra increment should be treated as part and parcel for calculation of pensionary benefits. Further, in case the applicants are not paid the pension amount reckoning the increment so granted, the same shall be revised and paid deducting the actual amount paid, as early as possible, preferable within 90 days months from the date of receipt of the certified copy of this order. It is made clear that any arrears, if payable to the applicants, the same shall be paid w.e.f. the date of filing of the OA i.e. 24.04.2017. It is expected that within 90 days from the receipt of a certified copy of this order, the respondents shall complete their exercise as directed hereinabove and intimate the decision forthwith.

- sd -
(Dr. Hukum Singh Meena)
Member (A)

nk

- sd -
(Jayesh V. Bhairavia)
Member (J)

तैयार, करनेवाला
PREPARED BY
मिलानेवाला
COMPARED BY
सही प्रतिलिपि
TRUE COPY

अनुभाग अधिकारी (न्याय)
Section Officer (J)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
अहमदाबाद न्यायपीठ
Ahmedabad Bench