



CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH,
CIRCUIT BENCH AT RANCHI
O.A. No. 051/01008/2024

Date of order :-28.03.2025.

C O R A M

HON'BLE MR. KUMAR RAJESH CHANDRA, MEMBER [A]

HON'BLE MR RAJVEER SINGH VERMA, MEMBER [J]



M. Prabhakar Rao @ Mangalampalli Prabhakar Rao (Age about 68 years) S/o Mangalampalli Venkata Narashima Murthy resident of Tube Colony, Behind Shyama Prasad College, Karandih, Jamshedpur, P.O Tatanagar, P.S. Jamshedpur, District East Singhbhum (Jharkhand), Pin 831002.Mobile No: 7761972812 E-mail: prabhakarm199@gmail.com and 17 ors.

.....Applicants

Versus

1. The Union of India through the Chairman, Ministry of A Railway, New Delhi, 256-A, Raisina Road, Rajpath Area, Central Secretariat, New Delhi 110001.
2. The Secretary, Ministry of Personnel, PG & Pension (DOP&T), Room No. 109, North Block, New Delhi 110001.
3. The General Manager, South Eastern Railway, Dumayne Ave, S.E. Railway, North Colony, Rail Colony, Garden Reach, Kolkata, West Bengal 700043.
4. The Senior Divisional Personnel Officer, Chakradharpur Division, South Eastern Railway, P.O. & P.S. Chakradharpur, District West Singhbhum, Jharkhand 833102

.....Respondents

For Applicant:-	Shri Amit Kr. Verma, Advocate
For Respondents:-	Shri P.K. Pandey, Addl. CGSC,
	Shri Rahul Das, Advocate

ORDER (Oral)

PER:-RAJVEER SINGH VERMA, MEMBER [J]

1. Heard Id. Counsel for the parties.
2. The present OA has been filed by the applicants seeking following relief:



“ 8.1 For quashing of the Letter dt. 27.8.2024 (Annexure F/1) issued by the Respondent No. 4 i.e. The Senior Divisional Personnel Officer, Chakradharpur Division from which he has denied to grant one notional increment to the Applicants on reaching the age of their respective superannuation on 30th June after completion of one full year service before their retirement for the purpose of pensionary benefits in light of the Order passed by the Hon'ble Apex Court in case of The Director (Admn. and HR) KPTCL & Ors Versus C.P. Mundinamani & Ors vide Order dt. 11.4.2023 reported as 2023 Live Law (SC) 296 (Annexure-C) which has been confirmed in SLP (C) No. 4722/2021 (Union of India & Ors Vs M. Siddaraj) vide Order dt. 19.5.2023 (Annexure D).

8.2 For direction to the Resp. No. 4 i.e. The Senior Divisional Personnel Officer, Division, South Eastern Railway to Chakradharpur grant one notional increment to the Applicants on reaching the age of their respective superannuation on 30th June after completing one full year service.

8.3 For direction to the Respondents accordingly re-fix their pensions and other pensionary benefits and pay the arrears with penal interest 18% per annum apart from statutory interest from the date of retirement till the date of respective payments as per the settled principles of law laid down by the Hon'ble Apex Court in case of Vijay L. Mehrotra Vrs. State of U.P and Others as reported in (2001) 9 SCC 687 (Annexure-G).



8.4 Any grant of such other relief(s) for which the Applicant/Petitioner would be entitled to in the facts and circumstances of the case set forth in the original application."

3. Respondents have still not filed written statement despite granting several opportunities since December, 2024. This issue is of notional increment and has already been settled and no longer res-integra as the Hon'ble Apex Court has already passed an order with regard to grant of notional increment that was due on 1st July / 1st January to employees who retired from Central Government service on 30th June/ 31st December respectively for the purpose of calculating their pensionary benefits and accordingly DoPT OM dt. 14.10.2024 was also issued.

4. This Tribunal fails to understand as to why the order is not being complied with when the issue has already been finalized by the Hon'ble Apex Court. Ld. counsel for respondents had pointed on previous occasion that Annexure-F/1 i.e. impugned order at page 82, the decision that was taken by the Railway officials on 27.08.2024 that *inter alia* reads as follows:-

“Subsequently, DOP&T has filed a Review Petition vide Dy. No. 36418/2024 before Hon'ble Supreme Court seeking review of their order dated 11.04.2023 pronounced in Civil Appeal No. 2471 of 2023 arising out of SLP (C) No. 6185 of 2020 (The Director (Admn, and HR) KPTCL & Ors Vs C. P. Mundinamani & Ors). As such, the issue of notional Increment has not yet attained finality and the judicial procedures Involved in the matter to finalize the issue of grant of benefit of notional increment are still underway for final adjudication by Hon'ble Apex Court.”



5. Subsequently, the Hon'ble Apex Court had passed an order on 06.09.2024 and DoPT had issued an OM dt. 14.10.2024 which was decidedly after issuance of this particular Annexure F/1 i.e. dt. 27.08.2024.

6. Ld. counsel for applicant has filed a supplementary affidavit with an order of the Hon'ble Apex Court kept at annexure-H/1 dated 20.02.2025 at page 101 and the DoPT's OM at Annexure I dt. 14.10.2024. So this issue has been clearly settled that the Review Application has already been dismissed and respondent officials have been directed to examine the case of individual petitioners/ applicants in terms of the clauses (a), (b) and (c) of the order passed by the Hon'ble Apex Court on 06.09.2024 and modified clause (d) of this order by the latest order dated 20.02.2025 (Annexure H & Annexure H/1) kept with supplementary affidavit filed by the applicants, if the applicants are found

to be eligible for grant of increment, they should be granted immediately in terms of the self explanatory order of Hon'ble Apex Court.

7. Accordingly this OA is disposed of with above observation. Respondent Authorities are directed to pass a reasoned and speaking order in case of each and every applicant within 90 days from the date of receipt of this Order.



8. In view of above, OA is allowed to the extent of the aforesaid observation in the preceding two paras 6 & 7.

9. No order as to costs as well as to the interest on delay as the matter has been finally settled on 20.02.2025 (Annexure H/1) kept with supplementary affidavit filed by the applicants.

(Rajveer Singh Verma)

Member (J)

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(Kumar Rajesh Chandra)

Member (A)