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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5539/2019**

ARUN CHHIBBER

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Aditya
Chhibber, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Arti Bansal and Mr. Srivats
Kaushal, Advocates for UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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13.01.2020

1. The Petitioner, who superannuated after completing 35 and half years of service in the Central Reserve Police Force ('CRPF') has filed the present petition with directions to the Respondents to implement the recommendations of the Sixth Central Pay Commission ('CPC') and grant one notional increment for the period from 1st July, 2006 to 30th June, 2007, and also to re-fix the Petitioner's pension consistent with the recommendations of the Seventh CPC, apart from arrears being paid within a definite time-frame.

2. The Petitioner points out that although in terms of the recommendations of the Sixth CPC, his pay was revised on 1st January, 2006 and he got his first increment in the revised pay structure on 1st July, 2006, he was not granted his last increment in the year 2007 on the ground that he had superannuated on 30th June, 2007, and was not in service on 1st July, 2007.

3. It must be noted at the outset that in the counter affidavit filed, it is contended that in terms of the Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008 ['CCS(RP) Rules'], the awarding of yearly increment was shifted to 1st July for all government servants. It is stated that those who retired on 30th June, although they completed 12 months of service (since award of last increment) were not given the further increment, as they did not continue in service on 1st July i.e. the very next date.

4. The Respondents do not dispute that in identical circumstances, the Madras High Court had in W.P.No.15732/2017 (*P. Ayyamperumal v. The Registrar, Central Administrative Tribunal*) delivered a judgment on 15th September, 2017, setting aside an order dated 21st March, 2017 of the CAT in OA No.310/00917/2015 wherein the CAT rejected the prayer of the Petitioner for a direction to the Director General (Inspection), Customs & Central Excise to treat the retirement date of the Petitioner as 1st July, 2013, and grant him all consequential benefits. The Madras High Court set aside the order of the CAT following the earlier judgment in *State of Tamil Nadu, Rep. by its Secretary to Government, Finance Department v. M. Balasubramaniam* CDJ 2012 MHC 6525 and held that the Petitioner in *P. Ayyamperumal* (*supra*) should be given one notional increment for the period from 1st July, 2012 to 30th June, 2013, as he had completed one full year in service, though his increment fell on 1st July, 2013, only for the purposes of pensionary benefits and not for any other purpose. The Respondents do not dispute that the Special Leave Petition filed by the Government of Tamil Nadu was dismissed by the Supreme Court and yet

seek to distinguish it by treating it as a judgment *in personam* and *not in rem*.

5. The Court finds that the only difference, if any, between **P. Ayyamperumal** (*supra*) and this case is that the former was an employee of the Central Government, whereas here the Petitioner superannuated from the CRPF. The Court, therefore, finds no reasons to deny the Petitioner same relief granted to Mr. P. Ayyamperumal by the Madras High Court. The similarity in the two cases is that here too, the Petitioner has completed one year of service, just one day prior to 1st July, 2007.

6. Consequently, the petition is allowed and a direction is issued to the Respondents to grant one notional increment to the Petitioner for the period from 1st July, 2006 to 30th June, 2007, and re-fix the pension of the Petitioner by adding one notional increment and subsequently re-fix the pension after the Seventh CPC. The arrears thereof be paid to the Petitioner within eight weeks from today, failing which simple interest @ 6% per annum will be liable to be paid by the Respondents on the said sum for the period of delay.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 13, 2020

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