



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision : May 31, 2023

+ **W.P.(C) 7833/2023 & CM APPL. 30202/2023**

GOVT OF NCT OF DELHI AND ORS.

..... Petitioners

Through: Mr. Gaurav Dhingra, Advocate.

versus

SATYAVIR SINGH

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 30203/2023 & 30204/2023

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. The challenge in this writ petition is to orders dated February 15, 2023 and July 26, 2021 passed by the Central Administrative Tribunal ('Tribunal', in short) in R.A. No. 102/2021 and O.A. No. 3303/2019 respectively, wherein the Tribunal allowed the Original Application by relying upon its own judgment dated July 15, 2021 passed in O.A. No. 776/2019 and rejected the R.A. filed by the petitioners herein.
4. In other words, the Tribunal has granted parity in favour of the respondent herein by relying upon its own judgment dated July 15, 2021 passed in O.A. No. 776/2019.

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5. The issue which fell for the consideration before the Tribunal is whether the employees, who have retired on June 30 or December 31 of a particular year, are to be extended the benefit of increment which falls due on July 01 of the same year or January 01 of the next year.

6. The submission of the learned counsel for the petitioners is, the date of birth of the respondent Satyavir Singh is June 08, 1958 and would have retired on June 07, 2018, but in view of the position in the financial rules, he continued to work till June 30, 2018, when he actually demitted the office. His continuity till June 30, 2018 was only for the purpose of pay and allowances.

7. He has relied upon the judgment of the Supreme Court in the following cases being *Union of India & Anr. vs. M. Siddaraj, The Director (Admn. and HR) KPTCK & Ors. vs. C.P. Mundinamani & Ors., Chief General Manager, Telecom, BSNL and Another vs. K.J. George and Others, State of Kerala and Another vs. Professor D. Gopalakrishna Pillai and Others, Government of Andhra Pradesh and Others, vs. N. Subbarayudu and Others and State of Kerala and Another vs. P.V. Neelakandan Nair and Others*, to contend that actual date of retirement of the respondent being June 07, 2018 he would not be entitled to the increment which fell on July 01, 2018. He does not deny the fact that the respondent did continue to work till June 30, 2018 when he actually demitted the office.

8. The issue is no more res integra, in view of the judgment of the Supreme Court in the case of *The Director (Admn. and HR) KPTCK & Ors. vs. C.P. Mundinamani & Ors.*, wherein the Supreme Court has in paragraph No. 7 held as under :-



“7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behavior and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.

I.A. No. 149091/2022 stands disposed of in terms of the above.”

9. Insofar, as the judgments relied upon by learned counsel for the petitioners are concerned those are not in the context of grant of increment on July 01 or January 01, (as the case may be) of a particular year.

10. The Supreme Court in the case of *The Director (Admn. and HR)* (*supra*), has decided the precise issue which fell for consideration before the Tribunal. We are of the view that the Tribunal was justified in allowing the Original Application filed by the respondent based upon its earlier judgment.

11. The petition is disposed of as being covered by the judgment of the Supreme Court in *The Director (Admn. and HR)* (*supra*).

12. No costs.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 31, 2023/R