

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.111 OF 2020

AGAINST THE ORDER DATED 16.12.2019 IN O.A.NO.180/00840/2018 OF
CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS GENERAL MANAGER,
SOUTHERN RAILWAY,PARK TOWN,
CHENNAI-600 001.

- 2 THE SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY,TRIVANDRUM DIVISION,
TRIVANDRUM-695 014.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC
BY ADV.SRI.N.K.SUBRAMANIAN

RESPONDENTS/APPLICANTS:

- 1 PAVITHRAN K,
S/O.VELLAN, RETIRED CHIEF TICKET INSPECTOR,
TRIVANDRUM DIVISION,SOUTHERN RAILWAY,
RESIDING AT KANNATH HOUSE,JAYA NIVAS,
M.L.A. ROAD, UDAYAMPEROOR P.O.,
ERNAKULAM-682 307.

- 2 M.A.VARGHESE,
S/O.M.V.ELIAS,
RETIRED CHIEF TICKET INSPECTOR,
TRIVANDRUM DIVISION, SOUTHERN RAILWAY,

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

:: 2 ::

RESIDING AT MARATTU HOUSE, ALATTUCHIRA
P.O., PERUMBAVOOR-683 544.

BY ADV.SRI.MARTIN G.THOTTAN

THIS O.P(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.61/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.61 OF 2020

AGAINST THE ORDER DATED 03.12.2019 IN O.A.NO.180/00069/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK, NEW DELHI-110001.
- 2 CHIEF COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682018.
- 3 COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682018.
- 4 PAY AND ACCOUNTS OFFICER,
CENTRAL EXCISE AND CUSTOMS, CENTRAL REVENUE
BUILDING, I.S.PRESS ROAD, COCHIN-682018.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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RESPONDENT/APPLICANT IN THE ORIGINAL APPLICATION:

SHRI.P.C.MATHEW
AGED 68 YEARS
S/O.LATE CHACKO, DEPUTY COMMISSIONER OF
CENTRAL EXCISE (RETD.), POLAKANDATHIL HOUSE,
VARANAM P.O., CHERTHALA, ALAPPUZHA-688555.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR
BY ADV.SMT.YAMI SETHUKUMAR(K/002379/2021)

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT).NO.64 OF 2020

AGAINST THE ORDER DATED 31.12.2019 IN O.A.NO.180/0936/2019 OF
THE CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI-110 001.
- 2 CHIEF COMMISSINER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682 018.
- 3 COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682 018.
- 4 ASSISTANT COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDINGS, SHAKTHAN THAMBURAN NAGAR,
TRICHUR-680 001.
- 5 PAY AND ACCOUNTS OFFICER,
CENTRAL EXCISE, CENTRAL REVENUE BUILDING,
I.S.PRESS ROAD, COCHIN-682 018.

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

RESPONDENT/APPLICANT IN THE ORIGINAL APPLICATION:

SHRI.K.K.KESAVAN NAMBOODIRI
AGED 65 YEARS
S/O.LATE KESAVAN NAMBOODIRI, SUPERINTENDENT OF
CENTRAL EXCISE (RETD.), "RACHANA", KOTTILLIL LANE,
KANATTUKARA P.O., TRICHUR DISTRICT-680 011,
(MOBILE NO.9447278700).

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR
BY ADV.SMT.RASHMI K.R.

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

O.P.(CAT).NO.111, 61, 64,
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154, 187, 213, 214 & 216
OF 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT).NO.66 OF 2020

AGAINST THE ORDER DATED 31.12.2019 IN O.A.NO.180/00356/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF PERSONNEL
AND TRAINING, NORTH BLOCK, NEW DELHI-110 001
- 2 CHIEF COMMISSIONER OF CENTRAL TAXES AND CUSTOMS
CENTRAL REVENUE BUILDING, I S PRESS ROAD,
COCHIN-682 018
- 3 COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I S PRESS ROAD,
COCHIN-682 018
- 4 PAY AND ACCOUNTS OFFICER,
CENTRAL EXCISE, CENTRAL REVENUE BUILDING,
I S PRESS ROAD, COCHIN-682 018

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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RESPONDENT/APPLICANT IN THE ORIGINAL APPLICATION:

SHRI.M.K.SASIDHARA MENON
S/O. LATE BHASKARAN NAIR, AGED 68 YEARS,
SUPERINTENDENT OF CENTRAL EXCISE (RETD), 37/684,
DEEPTHI PONEVAZHY NEW CROSS ROAD, AIMS PONEKARA P.O.,
COCHIN-682 041

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT) .NO. 67 OF 2020

AGAINST THE ORDER DATED 03.12.2019 IN O.A.NO.180/01055/2018 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK NEW DELHI-110001.
- 2 CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS,
NORTH BLOCK NEW DELHI-110001.
- 3 CHIEF COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S. PRESS ROAD,
COCHIN-682018.
- 4 COMMISSIONER OF CENTRAL TAXES AND CUSTOMS,
CENTRAL REVENUE BUILDING, I.S. PRESS ROAD,
COCHIN-682018.
- 5 CHIEF ACCOUNTS OFFICER,
CENTRAL REVENUE BUILDINGS, I.S. PRESS ROAD,
COCHIN-682018.

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
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OF 2020

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BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

RESPONDENT/APPLICANT IN THE ORIGINAL APPLICATION:

K.SREEDHARAN,
S/O. LATE KUNJUCHERUKKAN, AGED 70 YEARS,
JOINT COMMISSIONER OF CENTRAL EXCISE (RETD.),
SREEBHAVANAM, CHIRAKADAVAM, KAYAMKULAM,
ALAPPUZHA DISTRICT-690502.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR
BY ADV.SMT.RASHMI K.R.

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.90 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.150/2019 OF CENTRAL
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS:

- 1 THE ACCOUNTANT GENERAL (G AND SSA)
KERALA, THIRUVANANTHAPURAM-695001.
- 2 THE DEPUTY ACCOUNTANT GENERAL (AUDIT),
KERALA, THRISSUR BRANCH, THRISSUR-680020.
- 3 THE PAY AND ACCOUNTS OFFICER,
OFFICE OF PRINCIPAL ACCOUNTANT GENERAL, KERALA,
THIRUVANANTHAPURAM.

BY ADV.SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS:

- 1 G.SAHARAJAN NAIR,
AGED 69 YEARS
S/O.MADHAVAN PILLAI, AUDIT OFFICER, (RETD.)
OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),
ORAYAMPURATH, S.N.ROAD, KOORKANCHERY P.O.,

THRISSUR-680002.

- 2 P.M.USHA,
AGED 69 YEARS
D/O.PANIKKASSERY RAMAN MAMA, AUDIT OFFICER(RETD.),
OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),
ORAYAMPURATH, S.N.ROAD, KOORKANCHERRY P.O.,
THRISSUR-680007.
- 3 P.VENUGOPALAN,
AGED 72 YEARS
S/O.V.C.GOVINDAN NAIR, SENIOR AUDIT OFFICER (RETD.),
OFFICE OF ACCOUNTANT GENERAL (AUDIT), 'PALLAVI',
RANAGMALIKAPURAM, POOTHOLE P.O., THRISSUR-680004.
- 4 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI-110001.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR
BY ADV.SMT.RASHMI K.R.

THIS O.P(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.92 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.213/2019 OF CENTRAL
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS:

- 1 THE ACCOUNTANT GENERAL (A AND E)
KERALA, THIRUVANANTHAPURAM - 695 001.
- 2 THE DEPUTY ACCOUNTANT GENERAL (A AND E)
KERALA, THRISSUR BRANCH, THRISSUR - 680 020.
- 3 THE PAY AND ACCOUNTS OFFICER
OFFICE OF ACCOUNTANT GENERAL OF KERALA,
THIRUVANANTHAPURAM - 695 001.

BY ADV.SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS:

- 1 THAMBI J.KOLLANOOR
S/O. OF LATE JOSEPH KOLLANOOR, AGED 72 YEARS,
OFFICE OF ACCOUNTANT GENERAL (A AND E), 'UPAHAR',
UDAYA NAGAR, CHEMBUKAVU, MYLIPADAM, THRISSUR H.P.O.,

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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THRISSUR - 680 020.

2 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI - 110 001.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR
BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.95 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.168/2019 OF CENTRAL
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS 2 TO 4:

- 1 THE ACCOUNTANT GENERAL (G AND SSA)
KERALA, THIRUVANANTHAPURAM 695 001
- 2 THE DEPUTY ACCOUNTANT GENERAL (A AND E)
KERALA, THRISSUR BRANCH, THRISSUR 680 020
- 3 THE PAY AND ACCOUNTS OFFICER,
OFFICE OF ACCOUNTANT GENERAL , KERALA,
THIRUVANANTHAPURAM 695 001

BY ADV.SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS:

- 1 P.SUKUMARAN
AGED 71 YEARS
S/O. LATE PANGI, OFFICE OF THE ACCOUNTANT GENERAL
(A AND E) , VAISAKH, ANAMARI P.O, KOLLENGODE,

PALAKKAD 678 506

- 2 N. BALAKRISHNAN,
S/O. LATE K P VASUDEVAN NAIR,
AGED 72 YEARS, SENIOR ACCOUNTANT (RETD),
OFFICE OF ACCOUNTANT GENERAL (A AND E),
PRIYA NIVAS, KINASSERY P.O, VIA KANNADI,
PALAKKAD DISTRICT 678 701
- 3 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI G.P.O 110 001

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.98 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.169/2019 OF CENTRAL
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS:

- 1 THE ACCOUNTANT GENERAL (A AND E)
KERALA, THIRUVANANTHAPURAM-695 001.
- 2 THE DEPUTY ACCOUNTANT GENERAL (A AND E) ,
KERALA, THRISSUR BRANCH, THRISSUR-680 020.
- 3 THE PAY AND ACCOUNTS OFFICER,
OFFICE OF ACCOUNTANT GENERAL, KERALA,
THIRUVANANTHAPURAM-695 001.

BY ADV.SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS:

- 1 CHANDRIKA VARMA
AGED 67 YEARS
W/O.T.R.R.VARMA, SENIOR ACCOUNTANT (RETD.) , 'SWATI' ,
NEAR AYYANTHOLE GROUND, AYYANTHOLE P.O. ,

THRISSUR-680 003.

2 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI-110 001.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC
BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT) .NO.107 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.163/2019 OF CENTRAL
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS 2 TO 4:

- 1 THE ACCOUNTANT GENERAL (A & E)
KERALA, THIRUVANANTHAPURAM-695 001
- 2 THE DEPUTY ACCOUNTANT GENERAL (A & E)
KERALA, THRISSUR BRANCH, THRISSUR-680 020
- 3 THE PAY AND ACCOUNTS OFFICER,
OFFICE OF ACCOUNTANT GENERAL, KERALA,
THIRUVANANTHAPURAM-695 001

BY ADV.SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS/APPLICANT AND RESPONDENT NO.1:

- 1 P.SANTHA KUMARI
D/O. LATE GOPALA MENON, AGED 67 YEARS,
ACCOUNTANT OFFICER (RETD), OFFICE OF ACCOUNTANT
GENERAL (A & E), FLAT NO.60 JM HBITAT, SASTRI ROAD,

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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VADUTHALA P.O., KOCHI-682 023

2 UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF PERSONNEL AND TRAINING,
NORTH BLOCK, NEW DELHI-110 001

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC
BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.154 OF 2020

AGAINST THE ORDER DATED 13.01.2020 IN O.A.NO.180/00884/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REP. BY SECRETARY, MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS, (DEPARTMENT OF PERSONNEL
AND TRAINING), NEW DELHI-110003.
- 2 THE DEPUTY CHIEF ENGINEER (LAKSHADWEEP),
ANDAMAN LAKSHADWEEP HARBOUR WORKS, KAVARATTI
ISLAND, UNION TERRITORY OF LAKSHADWEEP-682555.
- 3 THE CHIEF ENGINEER AND ADMINISTRATOR,
ANDAMAN LAKSHADWEEP HARBOUR WORKS, PORT BLAIR,
ANDAMAN-110001.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

RESPONDENTS/APPLICANT IN THE ORIGINAL APPLICATION:

- 1 HAMZA K.
AGED 66 YEARS
S/O.LATE KHALID, RETD. CRANE OPERATOR, ANDAMAN
LAKSHADWEEP HARBOUR WORKS, AMINI KANDIKAM HOUSE,
AMINI ISLAND-682 552, UNION TERRITORY OF LAKSHADWEEP.

- 2 CHERIYAKOYA K.,
AGED 66 YEARS
S/O. LATE YOUSEF A.C., RETD. BARBENDER CUM
BLACKSMITH, ANDAMAN LAKSHADWEEP HARBOUR WORKS,
AMINI, KOORMEL HOUSE, AMINI ISLAND-682 552,
UNION TERRITORY OF LAKSHADWEEP.

- 3 SHABAN K.C.,
AGED 66 YEARS
S/O. LATE YOUSEF A.C., RETD. DRIVER, ANDAMAN
LAKSHADWEEP HARBOUR WORKS, AMINI KUNNALACHETTA
HOUSE, AMINI ISLAND-682552, UNION TERRITORY OF
LAKSHADWEEP.

BY ADV.SRI.SAIBY JOSE KIDANGOOR
BY ADV.SRI.BENNY ANTONY PAREL
BY ADV.SRI.P.M.MOHAMMED SALIH
BY ADV.SRI.ADITHYA KIRAN V.E
BY ADV.SMT.ANJALI NAIR
BY ADV.SRI.IRINE MATHEW

THIS O.P(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT) .NO.187 OF 2020

AGAINST THE ORDER DATED 03.12.2019 IN OA.NO.180/00071/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

PETITIONERS:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI 110 001
- 2 CHIEF COMMISSIONER OF CENTRAL EXCISE & CUSTOMS,
CENTRAL REVENUE BUILDING, I.S PRESS ROAD,
COCHIN 682 018
- 3 COMMISSIONER OF CUSTOMS (PREVENTIVE)
CATHOLIC CENTRE, BRAODWAY, COCHIN 682 031
- 4 PAY AND ACCOUNTS OFFICER,
CUSTOMS HOUSE, WILLINGDON ISLAND, COCHIN 682 009

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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RESPONDENT:

P.V.SUJATHA
W/O. N.K KRISHNAN, ADMINISTRATIVE OFFICER (RETD),
CENTRAL EXCISE, SUKRISHA, SREEVILASOM ROAD,
VALIYAPADAM, EDAPALLY P.O.,
COCHIN 682 024

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.CAT).NO.213 OF 2020

AGAINST THE ORDER DATED 01.12.2019 IN O.A.NO.180/00134/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI-110 001.
- 2 FLAG OFFICER COMMANDING-IN-CHIEF
SOUTHERN NAVAL COMMAND, COCHIN-682 004.
- 3 COMMANDING OFFICER
INS, VENDURUTHY, SOUTH NAVAL COMMAND,
COCHIN-682 004.
- 4 MATERIAL SUPERINTENDENT
MATERIAL ORGANIZATION, SOUTHERN NAVAL COMMAND,
COCHIN-682 004.
- 5 ADMIRAL SUPERINTENDENT
NAVAL SHIP REPAIR YARD, COCHIN-682 004.

- 6 COMMANDING OFFICER
 INS GARUDA, SOUTHERN NAVAL COMMAND, COCHIN-682 004.

- 7 DEPUTY CONTROLLER OF DEFENCE ACCOUNTS (NAVY),
 PERUMANOOR P.O., COCHIN-682 015.

- 8 PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSION)
 DRAUPATI GHAT, ALLAHABAD-211 014.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

RESPONDENTS/APPLICANT IN THE ORIGINAL APPLICATION:

- 1 K.N.SICILY
 AGED 65 YEARS
 W/O. SHRI. T.K. SASIDHARAN, OFFICE SUPERINTENDENT
 (RETD.), INS VENDURUTHY, ANUGRAHA, CHANGAMPUZHA
 NAGAR PO, COCHIN-682 033.

- 2 B.SYAMAKUMARI
 AGED 61 YEARS
 D/O. LATE K. BHASKARA MENON, OFFICE SUPERINTENDENT
 (RETD.), INS GARUDA, VISHNU VIHAR, SOUTH CHITTOOR
 P.O., COCHIN-682 027.

- 3 B.VALSALA
 AGED 61 YEARS
 W/O. SHRI. K.N. MURALIDHARAN, OFFICE SUPERINTENDENT
 (RETD.), INS GARUDA, ROHINI, PAMPAYMOOLA, NEAR
 KANNANGAD TEMPLE ROAD, EDAKOCHI P.O., COCHIN-682 010.

- 4 N.N.SATHIABHAMA
 AGED 60 YEARS
 W/O. SHRI. M.V.NANDAKUMAR, OFFICE SUPERINTENDENT
 (RETD.), MATERIAL ORGANIZATION, NAVAL BASE,

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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MARATTIL HOUSE, KADEBHAGOM, PALLURUTHY P.O.,
COCHIN-682 006.

5 JUDIT PENSON
AGED 60 YEARS
W/O.SHRI.K.G.PENSON, MASTER CRAFTSMAN (RETD.),
NAVAL SHIP REPAIR YARD, KALYANAPARAMBIL HOUSE,
MUNDAMVELI P.O., COCHIN-682 507.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

BY ADV.SMT.RASHMI K.R.

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P.(CAT).NO.214 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.180/00109/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REP. BY ITS SECRETARY, DEPARTMENT OF PERSONNEL AND
TRAINING, NORTH BLOCK, NEW DELHI 110 001
- 2 CHIEF COMMISSIONER OF CENTRAL TAXES AND CUSTOMS
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD, COCHIN 682
018
- 3 COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, WILLINGTON ISLAND, COCHIN 682 009
- 4 PAY AND ACCOUNTS OFFICER
CUSTOMS, CUSTOM HOUSE, WILLINGTON ISLAND,
COCHIN 682 009

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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RESPONDENTS/APPLICANT IN THE ORIGINAL APPLICATION:

C.C. JOHN
S/O.LATE CHACKO, AGED 67 YEARS, DEPUTY COMMISSIONER
OF CUSTOMS (RETD.), CHIRAMEL HOUSE, S.H.MOUNT P.O.,
KOTTAYAM 686 006

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P.(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P.(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 22ND DAY OF NOVEMBER 2022/1ST AGRAHAYANA, 1944

O.P. (CAT).NO.216 OF 2020

AGAINST THE ORDER DATED 3.12.2019 IN O.A.NO.180/00061/2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS/RESPONDENTS IN THE ORIGINAL APPLICATION:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI-110 001.
- 2 CHIEF COMMISSIONER OF CENTRAL TAXES AND CUSTOMS
CENTRAL REVENUE BUILDING, I.S. PRESS ROAD,
COCHIN-682 018.
- 3 COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, WILLINGTON ISLAND, COCHIN-682 009.
- 4 PAY AND ACCOUNTS OFFICER
CUSTOMS, CUSTOMS HOUSE, WILLINGTON ISLAND,
COCHIN-682 009.

BY SRI.MANU S., DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.VINU T.V., CGC

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
154, 187, 213, 214 & 216
OF 2020

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RESPONDENT/APPLICANT IN THE ORIGINAL APPLICATION:

P.E.MEERZA WAHEED
AGED 68 YEARS
S/O. P.M.IBRAHIM, DEPUTY COMMISSIONER OF CENTRAL
EXCISE (RETD.), HOUSE NO.44/619, PUTHOKODE,
ST.MARTIN CHURCH ROAD, PALARIVATTOM, COCHIN-682 025.

BY ADV.SRI.C.S.GOPALAKRISHNAN NAIR

THIS O.P(CAT) HAVING COME UP FOR ADMISSION ON
15.11.2022 ALONG WITH O.P(CAT).NO.111/2020 AND CONNECTED
CASES, THE COURT ON 22.11.2022 DELIVERED THE FOLLOWING:

'C.R.'

J U D G M E N T

A.K. Jayasankaran Nambiar, J.

The short issue that arises for consideration in these O.P.(CAT)'s is whether a Government servant who retires on the last working day of the preceding month and whose annual increment falls due on the first of the succeeding month is entitled for sanction of annual increment for the purposes of pension and gratuity ? This being the sole issue on which the O.P.(CAT)'s have been preferred by the Union of India, we do not deem it necessary to record the factual circumstances arising in the individual cases.

2. Briefly stated, the facts that are common to all the cases are that the respondents/applicants retired from their respective establishments on attaining the age of superannuation. Their next annual increment, had they continued in service, would have accrued

to them on the very next day. When their claim for reckoning the said increment along with their last drawn pay for the purposes of their retirement benefits did not yield a favourable response from the Government, they approached the Central Administrative Tribunal through the applications that were disposed by the impugned orders of the Tribunal.

3. The Tribunal essentially followed the judgment of the Madras High Court in **P.Ayyamperumal v. Union of India and others** - [judgment dated 15.9.2017 in W.P.(C).No.15732/2017], the Special Leave Petition [SLP] against which was dismissed by the Supreme Court, to find that the respondents were entitled to the grant of annual increment on their completion of one full year of service at the time of their retirement for the purposes of pensionary benefits. It is impugning the said finding of the Tribunal that the petitioners are before us in these O.P.(CAT)'s.

4. We have heard Sri.Manu.S., the Deputy Solicitor General of India, Sri.T.V. Vinu, the learned Central Government Counsel as also Sri.K.I.Mayankutty Mather, the learned counsel for the petitioners in

these O.P.(CAT)'s and Sri.Martin G. Thottan, Sri.C.S.Gopalakrishnan Nair and Sri.Saiby Jose Kidangoor, the learned counsel for the respondents in all these O.P.(CAT)'s.

5. At the outset, we deem it apposite to notice the Rules governing the issue, namely, the Fundamental Rules [F.R. 17, F.R. 24, F.R. 56(a) and the 1st proviso to F.R. 56(a)] and Rules 3, 5, 14, 33 and 34 of the CCS (Pension) Rules, which read as follows:-

Fundamental Rules

“F.R. 17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

F.R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by the Central Government or by any authority to whom the Central Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the post-ponement shall have the effect of postponing future increments.

F.R. 56(a). Except as otherwise provided in this rule, every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the

preceding month on attaining the age of sixty years.”

Central Civil Services (Pension) Rules

“Rule 3

Clauses 1(b) (e) and (q)

1(b) 'Average Emoluments' means average emoluments as determined in accordance with Rule 34;

1(e) 'Emoluments' means emoluments as defined in Rule 33;

1(q) 'Qualifying Service' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pension and gratuities admissible under these rules;

Rule 5

5. Regulation of claims to pension or family pension :- (1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

(2) The day on which a Government servant retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall also be treated as a working day.

Rule 14

14. Conditions subject to which service qualifies:- (1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

(2) For the purposes of sub-rule (1), the expression "service" means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in a non-pensionable established unless such service is treated as qualifying service by that Government.

(3) In the case of a Government servant belonging to a State Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify:

Provided that nothing contained in this sub-rule shall apply to any such Government servant who is appointed otherwise than by deputation to a service or post to which these rules apply,

Rule 33

33. Emoluments

The expression 'emoluments' means basic pay as defined in Rule 9(21)(a)(i) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death; and will also include non-practising allowance granted to Medical Officer in lieu of private practice.

Explanation :-Stagnation increment shall be treated as emoluments for calculation of retirement benefits.

Note 1 - If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule:

Provided that any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

Note 2 - Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment, whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

Note 3 - If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

Note 4 - If a Government servant immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments.

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

Note 5 - Deleted

Note 6 - Pay drawn by a Government servant while on deputation to the Armed Forces of India shall be treated as emoluments.

Note 7 - Pay drawn by a Government servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

Note 8 - Where a pensioner who is re-employed in Government service elects in terms of Clause (a) of sub-rule (1) of Rule 18 or clause (a) of sub-rule (1) of Rule 19 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

Note 9 - Deleted.

Note 10 - When a Government servant has been transferred to an autonomous body consequent on the conversion of a Department of the Government into such a body and the Government servant so transferred opts to retain the pensionary benefits under the rules of the Government, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of

this rule.

Rule 34

34. Average Emoluments

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.

Note 1 - If during the last ten months of his service, a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments:

Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments.

Note 2 - If, during the last ten months of his service, a Government servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

Note 3 - In the case of a Government servant who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment though not actually drawn shall be included in the average emoluments:

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days."

As can be seen from the aforesaid Rules, F.R. 17 disables a Government servant from drawing pay and allowances attached to his

tenure of a post with effect from the date on which he ceases to discharge the duties of that post. F.R. 24 makes it clear that an increment is a part of the pay and allowances that a Government servant is permitted to draw while he discharges duties of that post. Thus, although an increment may accrue to a Government servant on a particular day in a calendar year, he must be discharging the duties attached to the post as a pre-condition for drawing that increment. In other words, the twin conditions that must be satisfied for drawing an increment as per the Fundamental Rules are that (i) the Government servant must be in service on the date on which the increment falls due and (ii) he should have rendered satisfactory work and displayed good conduct during the one year period preceding the date on which the increment falls due. In the instant case, while it may be a fact that the respondents had the requisite one year of satisfactory work with good conduct, they did not satisfy the primary condition of being in service on the date on which the increment fell due.

6. We note in this connection that a Full Bench of the Andhra Pradesh High Court in **Principal Accountant General and Others v. C. Subba Rao - [2005 (2) ALT 25]** considered the very same issue

against the back drop of the Fundamental Rules and the CCS (Pension) Rules. The analysis of the provisions of the said Rules is to be found in paragraphs 25 to 30 and 38 of the said judgment which reads as follows:

25. A conspectus of the above Rules would lead to the following: A Government servant's qualifying service would commence from the date he takes charge of the post to which he is first appointed either substantially or in an officiating or temporary capacity (see Pension Rule 13). The same is however subject to Rule 14, which is to the effect that the service of a Government servant shall not qualify unless his duties and pay are regulated by the Government or under conditions determined by the Government. That is to say as long as a Government servant continued to be a Government servant and paid from the consolidated fund of India or local fund administered by the Government, he cannot be said to be on duty.

26. A Government servant, as per Rule 35, shall be granted superannuation pension on his attaining age of compulsory retirement. Such Government servant shall be paid pension based on the qualifying service and based on the average emoluments drawn during the last ten months of his service. For the purpose of qualifying service and calculating average emoluments, one has to look to Rule 5 and Rule 34 of the Pension Rules. Rule 5(2) mandates that the day on which a Government servant retires shall be treated as his last working day. Reading Rule 5(2), Rules 33 and 34 of the Pension Rules, the conclusion is irresistible that a Government servant is said to be on duty entitled for emoluments till his last working day when he would retire and thereafter a person ceases to be Government servant. After a Government servant retires on his last working day, such Government servant would not be entitled to any pay or any other benefits connected with pay.

27. As per Explanation to Rule 33 of the Pension Rules, only stagnation increment shall be treated as emoluments for calculation of retirement benefits and as per Rule 34, emoluments drawn by Government servant during the last ten months of his service are treated as emoluments. But any increase in pay, which is not actually drawn shall not form part of average emoluments, though as per Note 4 below Rule 33 and Note 3 below Rule 34, increment earned during earned leave during last ten months though not actually drawn

shall form part of average emoluments. Except in the case increment earned during earned leave, no other increase can be treated as pay while determining "average emoluments". This is made clear by proviso to Note 4 below Rule 33 and Rule 34. It lays down that any increase in pay which is not actually drawn shall not form part of emoluments of Government servant.

28. Rule 33 used the phrase "pay which Government servant was receiving immediately before retirement", and proviso to Note 1 of Rule 33 employs words "pay not actually drawn" and Rule 34 uses phrase "emoluments drawn by a Government servant during the last ten months of service" shall be average emoluments. Similar language is used in proviso to Note 1 of Rule 34. The 'past tense' used in these provisions would show whatever is not actually drawn cannot form part of average emoluments for the purpose of pension. This by necessary implication mean that increment which falls due and payable after retirement cannot be considered for determining average emoluments for the purpose of pension as it would-be "increase of pay" which is not drawn and which is not paid. This legal position is further made clear by Rules 35, 36, 38, 39 and 40 and Rule 83 of the Pension Rules. Rule 83 of the Pension Rules deals with the date from which pension becomes payable and reads as under:

83. Date from which pension becomes payable .-(1) Except in the case of a Government servant to whom the provisions of Rule 37 apply and subject to the provisions of Rules 9 and 69, a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

(2) Pension including family pension shall be payable for the day on which its recipient dies.

29. In plain terms, Rule 83 of the Pension Rules postulates that pension shall become payable from the date on which a Government servant ceases to be borne on the establishment. That only means a Government servant gets the status of pensioner from the next day after date of retirement i.e., last day of the month on which he is retired.

30. As per Article 151 of CS Regulations, annual increment payable to a Government servant will accrue from the day following that day on which it is earned. The Government servant would get a right for annual increment only after conclusion of the year and therefore on the day when the increment falls due, it would not become payable, but it would become payable only from the

next day. In a given case, if by reason of Rule 5 of the Pension Rules read with F.R. 56 if a Government servant retires on the last day of the month, his annual increment falls due on the next day, the same would become payable only from second day of the month in which the increment falls due. In that view of the matter as well, all the Government servants in these batch cases would not be entitled to claim any increment as they ceased to be Government servants on the mid-night of the last day of the month in which they attain the age of superannuation.

38. The common law principles as well as relevant provisions in General Clauses Act dealing with commencement and completion of the time as well as calculation of time - be it day, month or year - do not support the contention of the learned Counsel for respondents that the next day after the date of retirement should also be considered for the purpose of granting annual increment deeming the next day as the day of the retirement. We have already held that a Government servant retiring on the last working day of the month shall be deemed to have ceased to be Government employee with effect from midnight of that day and immediately after commencement of the next day, i.e., after midnight 12'0 clock he becomes pensioner. Though he is paid pension, he shall not be deemed to be on duty as a Government servant and therefore annual increment cannot be sanctioned to such retired Government servant.”

A similar view has been taken by the Division Bench of this Court also in **Union of India and Others v. K.R. Sanal Kumar and Another - [2008 (2) KHC 761]**, following the judgment of the Supreme Court in **Achhaibar Maurya v. State of U.P. And Others - [(2008) 2 SCC 639]**. At paragraphs 8 and 9 of the Kerala High Court judgment, it is observed as follows:

“**8.** We find that the recent judgment of the Apex Court in Achhaibar Maurya's case, 2008 KHC 4391 : 2008 (2) SCC 639 clearly applies to the

facts of this case. There, the claim raised by a teacher who retired on 30/06/2003 was for getting Session benefits of the next session commencing on 01/07/2003. It was held that the appellant who was born on 01/07/1943 would retire on 30/06/2023. Their Lordships held that "a person retires automatically on the day when he completes the age of superannuation. A person attains a specified age on the day next before the anniversary of his birth day or in other words, on the day preceding that anniversary." It was therefore held that the appellant was not entitled for the benefit of special benefit of the next session commencing on 01/07/2003. The decision of Apex Court in S. Banerjee v. Union of India, 1989 KHC 800 : 1990 SCC (L&S) 160 : AIR 1990 SC 285 : 1989 Supp (2) SCC 486 was distinguished.

9. We find that on the facts of this case, the said dictum will squarely apply here. As on 01/01/1986, the day when the annual increment fell due, the applicant was not in service. He became a pensioner already. He cannot draw any pay and allowances from 01/01/1996. In that view of the matter, he will not be entitled to claim any annual increment which fell due on 01/01/1996 as he had already retired from service. The employer employee relationship has already ceased. The view taken by the Tribunal, therefore, cannot be accepted."

7. We are therefore of the view that the issue of whether a Government servant who retired on the last working day of the preceding month and whose annual increment falls due on the first of the succeeding month is entitled for sanction of annual increment for the purpose of pension and gratuity must be answered in favour of the the petitioners herein and against the respondents. We do so by setting aside the impugned orders of the Tribunal and allowing these O.P.(CAT)'s.

8. Before parting with these cases, we might only add that we are mindful of the fact that the decision of the Madras High Court in **P.Ayyamperumal [supra]** that was relied upon by the Tribunal and the SLP against which was dismissed by the Supreme Court, takes a different view. We are also aware that other High Courts have since followed the Madras High Court judgment [See Union of India and Others v. Pravesh Chandra Gupta and Others - [judgment dated 28.7.2021 of the Allahabad High Court in W.A.No.7911 of 2021], Mahesh Kumar and Another v. Union of India and Others - [judgment dated 23.12.2021 of the Allahabad High Court in W.A.No.17601 of 2021], Arun Chhibber v. Union of India and Others - [order dated 13.1.2020 of the Delhi High Court in W.P.(C).No.5539 of 2019], Union of India v. Lazmanbhai Kalabhai Chavda - [order dated 27.1.2021 of the Gujarat High Court in R/Special Civil Application No.10751 of 2020, Union of India and Another v. M. Siddaraj - [order dated 22.10.2020 of the Karnataka High Court in Writ Petition No.146967 of 2020 (S-CAT)] and SLP's against the said orders/judgments are pending consideration before the Supreme Court. We have chosen however to follow the Division bench judgment of our own Court,

which, in our view, accords with the Scheme of the Fundamental Rules and the CCS (Pension) Rules, as enunciated by the Full Bench of the Andhra Pradesh High Court in **Principal Accountant General and Others v. C. Subba Rao - [2005 (2) ALT 25]**.

The O.P.(CAT)'s are allowed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
MOHAMMED NIAS C.P.
JUDGE

prp

APPENDIX OF O.P. (CAT) .NO.111/2020

PETITIONER ANNEXURES:

- ANNEXURE A1 TRUE COPY OF THE SERVICE CERTIFICATE ISSUED TO THE 1ST APPLICANT.
- ANNEXURE A2 TRUE COPY OF REVISED PPO DISUSED TO THE 2ND APPLICANT.
- ANNEXURE A3 TRUE COPY OF JUDGMENT DATED 15.09.2017 PASSED BY HONOURABLE HIGH COURT OF MADRAS IN WPC NO.15732 OF 2017.
- ANNEXURE A4 TRUE COPY OF REPRESENTATION DATED 10.06.2018 SUBMITTED BY THE 1ST APPLICANT.
- EXHIBIT P1 TRUE COPY OF THE OA NO.180/00840/2018 DATED 04.10.2018 ON THE FILE OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH ALONG WITH ANNEXURES.
- EXHIBIT P2 TRUE COPY OF REPLY STATEMENT DATED 29.07.2019 FILED BY THE PETITIONERS/RESPONDENTS.
- EXHIBIT P3 TRUE COPY OF ORDER DATED 16TH DECEMBER 2019 IN OA NO.180/00840/2018 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- EXHIBIT P4 TRUE COPY OF OFFICE MEMORANDUM DATED 20.09.2019 ALONG WITH THE FORWARDING LETTER OF MINISTRY OF RAILWAYS DATED 24.10.2019.
- EXHIBIT P5 TRUE COPY OF ORDER IN OA

O.P.(CAT).NO.111, 61, 64,
66, 67, 90, 92, 95, 98, 107,
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NO.310/00026/2019 DATED 27.03.2019 OF THE
MADRAS BENCH OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL.

EXHIBIT P6

TRUE COPY OF ORDER IN OA NO.310/00309/2019
DATED 19.03.2019 OF THE MADRAS BENCH OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL.

EXHIBIT P7

TRUE COPY OF ORDER IN OA NO.310/00312/2019
DATED 19.03.2019 OF THE MADRAS BENCH OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL.

RESPONDENTS ANNEXURE: NIL.

APPENDIX OF O.P. (CAT) .NO.61/2020

PETITIONER EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ORIGINAL APPLICATION
NO.69 OF 2019.

EXHIBIT P1/A1 TRUE COPY OF THE PPO NO.514081000166.

EXHIBIT P1/A2 TRUE COPY OF THE JUDGMENT, DATED
15.09.2017 IN WP.15732 OF 2017.

EXHIBIT P1/A3 TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018.

EXHIBIT P1/A4 TRUE COPY OF THE REPRESENTATION, DATED
15.10.2018.

EXHIBIT P1/A5 TRUE COPY OF THE REMINDER, DATED
28.11.2018.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE RESPONDENTS IN THE O.A.NO.69 OF 2019.

EXHIBIT P3 TRUE COPY OF THE ORDER IN O.A.NO.69 OF
2019, DATED 03.12.2019.

RESPONDENTS ANNEXURES: NIL.

APPENDIX OF O.P. (CAT) .NO.64/2020

PETITIONER EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE ORIGINAL APPLICATION NO.936 OF 2019.
- EXHIBIT P1/A1 TRUE COPY OF THE PPO NO.547501400066.
- EXHIBIT P1/A2 TRUE COPY OF THE JUDGMENT DATED 15.09.2017 IN WP NO.15732/2017.
- EXHIBIT P1/A3 TRUE COPY OF THE ORDER IN SLP DIARY NO.22283/2018.
- EXHIBIT P1/A4 TRUE COPY OF THE REPRESENTATION DATED 14.02.2019.
- EXHIBIT P1/A5 TRUE COPY OF THE HONOURABLE MINISTER FOR PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS HAS STATED IN THE LOK SABHA ON 12.12.2018 IN AN UN-STARRED QUESTION NO.427.
- EXHIBIT P1/A6 TRUE COPY OF THE ORDER IN OA NO.1055 OF 2018 AND CONNECTED CASES, DATED 03.12.2019.
- EXHIBIT P2 TRUE COPY OF THE ORDER IN OA NO.936 OF 2019 DATED 31.12.2019.

RESPONDENTS ANNEXURE NIL.

APPENDIX OF O.P. (CAT) .NO.66/2020

PETITIONER EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ORIGINAL APPLICATION NO 356
OF 2019

EXHIBIT P1 (A1) TRUE COPY OF THE PPO NO.514081100282

EXHIBIT P1 (A2) TRUE COPY OF THE JUDGMENT , DATED 15.09.2017
IN WP NO.15732/2017

EXHIBIT P1 (A3) TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018

EXHIBIT P1 (A4) TRUE COPY OF THE REPRESENTATION, DATED
16.11.2018

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN

EXHIBIT P2-R1 TRUE COPY OF THE ORDER, DATED 13.03.2019 IN
MA NO.71/2019 IA NO.170/2019 FILED BY
SHRI.K.KANDASWAMY AND OTHER BEFORE THE
HONORABLE TRIBUNAL, MADRAD BENCH

EXHIBIT P3 TRUE COPY OF THE ORDER IN OS NO.356 OF 2019
DATED 31.12.2019

RESPONDENTS ANNEXURE NIL.

APPENDIX OF O.P. (CAT) .NO.67/2020

PETITIONER EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ORIGINAL APPLICATION
NO.1055/2018.

EXHIBIT P1 (A1) TRUE COPY OF THE PPO NO.514080800158.

EXHIBIT P1 (A2) TRUE COPY OF THE JUDGMENT DATED 15/09/2017
IN WP.

EXHIBIT P1 (A3) TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018.

EXHIBIT P1 (A4) TRUE COPY OF THE REPRESENTATION DATED
22/11/2018.

EXHIBIT P1 (A5) TRUE COPY OF THE REPLY C. NO.II/39/2018,
DATED 30/11/2018 ISSUED BY THE 4TH
RESPONDENT.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN.

EXHIBIT P3 TRUE COPY OF THE ORDER IN OA NO.1055/2018
DATED 03/12/2019.

RESPONDENTS ANNEXURE NIL.

APPENDIX OF O.P. (CAT) .NO.90/2020

PETITIONER ANNEXURES :

ANNEXURE A1 TRUE COPY OF THE PPO NO.626991000786.

ANNEXURE A2 TRUE COPY OF THE REVISION AUTHORITY ISSUED
ON 11.06.2018.

ANNEXURE A3 TRUE COPY OF THE PPO NO.626991000715.

ANNEXURE A4 TRUE COPY OF THE LETTER
NO.PAO/3/PEN.REV./MACP/160/000110 DATED
13.04.2018 ISSUED BY THE 4TH RESPONDENT.

ANNEXURE A5 TRUE COPY OF THE PPO NO.626990600635.

ANNEXURE A6 TRUE COPY OF THE REVISION AUTHORITY ISSUED
ON 18.07.2009.

ANNEXURE A7 TRUE COPY OF THE REVISION AUTHORITY ISSUED
ON 22.09.2017.

ANNEXURE A8 TRUE COPY OF THE JUDGMENT DATED 15.09.2017
IN W.P. (C)NO.15732/2017.

ANNEXURE A9 TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018.

ANNEXURE A10 TRUE COPY OF THE REPRESENTATION DATED
28.09.2018.

ANNEXURE A11 TRUE COPY OF THE REPRESENTATION DATED
23.10.2018.

ANNEXURE A12 TRUE COPY OF THE REPRESENTATION DATED
04.10.2018.

ANNEXURE A13 TRUE COPY OF THE HON'BLE MINISTRY FOR
PERSONNEL PUBLIC GRIEVANCES, AND PENSIONS
HAS STATED IN THE LOK SABHA ON 12.12.2018
IN ANSWER TO UN-STARRED QUESTION NO.427.

EXHIBIT P1 TRUE COPY OF THE OA.NO.150/2019 BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH, DATED 14.02.2019.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN IN OA 150/2019 DATED
20.08.2019.

EXHIBIT P3 TRUE COPY OF THE ORDER IN O.A.NO.150/2019
OF THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH DATED 03.12.2019.

RESPONDENTS ANNEXURE NIL.

APPENDIX OF O.P. (CAT) .NO.92/2020

PETITIONER ANNEXURES:

ANNEXURE A1 TRUE COPY OF THE SECTIONAL ORDER NO.62
DATED 5/6/2006.

ANNEXURE A2 TRUE COPY OF THE JUDGMENT DATED 15/9/2017
IN W.P. (C) NO.15732/2017.

ANNEXURE A3 TRUE COPY OF THE ORDER IN SLP DAIRY
NO.22283/2018.

ANNEXURE A4 TRUE COPY OF THE REPRESENTATION DATED
6/10/2018.

ANNEXURE A5 TRUE COPY OF THE HON'BLE MINISTRY FOR
PERSONNEL PUBLIC GRIEVANCES, AND PENSIONS
HAS STATED IN THE LOK SABHA ON 12/12/2018
IN ANSWER TO UN-STARRED QUESTION NO.427.

EXHIBIT P1 TRUE COPY OF THE OA 213/2019 BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN IN OA 213/2019.

EXHIBIT P3 TRUE COPY OF THE ORDER IN 213/2019 OF THE
HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH.

RESPONDENTS ANNEXURE NIL.

APPENDIX OF O.P. (CAT) .NO.95/2020

PETITIONER ANNEXURES :

ANNEXURE A1 TRUE COPY OF THE 626990700865

ANNEXURE A2 TRUE COPY OF THE PPO NO. 626990600657

ANNEXURE A3 TRUE COPY OF THE JUDGMENT DATED 15-09-2017
IN W.P(C) NO. 15732/2017

ANNEXURE A4 TRUE COPY OF THE ORDER IN SLP DAIRY NO.
22283/2018

ANNEXURE A5 TRUE COPY OF THE REPRESENTATION DATED 5-10-
2018

ANNEXURE A6 TRUE COPY OF THE REPRESENTATION DATED 8-10-
2018

ANNEXURE A7 TRUE COPY OF THE HON'BLE MINISTRY FOR
PERSONNEL PUBLIC RIEVANCES, AND PENSIONS
HAS STATED IN THE LOK SABHA ON 12-12-2018
IN ANSWER TO UN-STARED QUESTION NO. 427

EXHIBIT P1 TRUE COPY OF THE OA 168/2019 BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH DATED 7-3-2019

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN IN OA 168/2019 DATED
27-08-2019

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EXHIBIT P3

TRUE COPY OF THE ORDER IN O.A 168/2019 OF
THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH DATED 3-12-2019

RESPONDENTS EXHIBIT: NIL.

APPENDIX OF O.P. (CAT) .NO.98/2020

PETITIONER ANNEXURES:

- ANNEXURE A1 TRUE COPY OF THE PPO NO.626991100699.
- ANNEXURE A2 TRUE COPY OF THE JUDGMENT DATED 15.09.2017
IN WPC 15732/2017.
- ANNEXURE A3 TRUE COPY OF THE ORDER IN SLP DAIRY
NO.22283/2018.
- ANNEXURE A4 TRUE COPY OF THE REPRESENTATION DATED
05.09.2018.
- ANNEXURE A5 TRUE COPY OF THE HON'BLE MINISTRY OF
PERSONNEL PUBLIC GRIEVANCES AND PENSIONS
HAS STATED IN THE LOK SABHA ON 12.12.2018
IN ANSWER TO UN-STARRED QUESTION NO.427.
- EXHIBIT P1 TRUE COPY OF THE OA 169/2019 BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH.
- EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN IN OA 169/2019.
- EXHIBIT P3 TRUE COPY OF THE ORDER IN OA 169/2019 OF
THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH.

RESPONDENTS EXHIBIT: NIL.

APPENDIX OF O.P. (CAT) .NO.107/2020

PETITIONER ANNEXURES:

ANNEXURE-A1 TRUE COPY OF THE PPO NO.626991100680

ANNEXURE-A2 TRUE COPY OF THE SPECIAL SEAL AUTHORITY
DATED 13.6.2011

ANNEXURE-A3 TRUE COPY OF THE JUDGMENT DATED 15.9.2017
IN W.P(C) 15732/2017

ANNEXURE-A4 TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018

ANNEXURE-A5 TRUE COPY OF THE REPRESENTATION DATED
1.9.2018

ANNEXURE-A6 TRUE COPY OF THE HON'BLE MINISTRY FOR
PERSONNEL PUBLIC GRIEVANCES AND PENSIONS
HAS STATE D IN THE LOK SABHA ON 12,12.2018
IN ANSWER TO UN-STARED QUESTION NO.427

EXHIBIT P1 TRUE COPY OF THE OA 163/2019 BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY
THE PETITIONERS HEREIN IN OA 163/2019

EXHIBIT P3 TRUE COPY OF THE ORDER IN OA 163/2019 OF
THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH

APPENDIX OF O.P. (CAT) .NO.154/2020

PETITIONER ANNEXURES:

- ANNEXURE A1 TRUE PHOTOSTAT COPY OF THE ORDER DATED 15.9.2017 IN WP.NO.15732 OF 2017 DO THE HON'BLE HIGH COURT OF KERALA OF MADRAS.
- ANNEXURE A2 TRUE COPY OF THE ORDER DATED 23.7.2018 OF THE HON'BLE SUPREME COURT IN SPECIAL LEAVE PETITION (CIVIL) NO.22283/2018.
- ANNEXURE A3 TRUE COPY OF THE REPRESENTATION DATED 20.3.2019 SUBMITTED BY THE 1ST APPLICANT.
- ANNEXURE A4 TRUE COPY OF THE REPRESENTATION DATED 14TH APRIL 2019 SUBMITTED BY THE 2ND APPLICANT IN OA.
- ANNEXURE A5 TRUE COPY OF THE REPRESENTATION DATED 5.12.19 SUBMITTED BY THE 3RD APPLICANT.
- ANNEXURE A6 TRUE COPY OF THE ORDER DATED 9.4.2019 ISSUED BY THE 2ND RESPONDENT IN OA.
- ANNEXURE A7 TRUE COPY OF THE ORDER DATED 23.5.2019 ISSUED BY THE 2ND RESPONDENT IN OA.
- ANNEXURE R1 TRUE COPY OF THE OM.F.NO.08-09/2019-E.III.A DATED 25.6.2019 OF MINISTRY OF FINANCE.
- EXHIBIT P1 TRUE COPY OF THE OA NO.180/00884/2019 DATED 6.1.2020 FILED BY THE RESPONDENTS BEFORE THE CAT, ERNAKULAM BENCH.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT IN
OA.NO.180/00884/2019 DATED 10.1.2020, FILED
BY THE PETITIONERS.

EXHIBIT P3 TRUE COPY OF THE ORDER IN OA 180/00884/2019
DATED 13.1.2020 ISSUED BY THE CAT,
ERNAKULAM BENCH.

EXHIBIT P4 TRUE COPY OF THE OM NO.1416224/2020-
ESTT(PAY-I) DATED 19.3.2020 ISSUED BY THE
DOPT AND COPY OF THE LETTER NO.F.A.-
23011/36/2013-AD.IIA, DATED 18.10.2019 OF
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE,
CENTRAL BOARD OF INDIRECT TAXES & CUSTOMS,
NEW DELHI.

RESPONDENTS EXHIBIT: NIL.

APPENDIX OF O.P. (CAT) .NO.187/2020

PETITIONER EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ORIGINAL PETITION 71 OF
2019 WITH ANNEXURES (PAGES 11-29)

EXHIBIT P1 (A1) TRUE COPY OF THE PPO NO. 528531000109

EXHIBIT P1 (A2) TRUE COPY OF THE PAY FIXATION DT 27-05-2011
ISSUED BY THE 2NBD RESPONDENT

EXHIBIT P1 (A3) TRUE COPY OF THE PENSION CALCULATION SHEET
ISSUED IN C.NO. II/25/01/2010/ACCTS.CCP

EXHIBIT P1 (A4) TRUE COPY OF THE JUDGMENT DT 15-09-2017 IN
WP NO. 15732/2017

EXHIBIT P1 (A5) TRUE COPY OF ORDER IN SLP DAIRY NO.
22283/2018

EXHIBIT P1 (A6) TRUE COPY OF THE REPRESENTATION DTED
20.10.2018 IN OA 108/00071/2019.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT.

EXHIBIT P2 R1 TRUE COPY OF LOKSABHA UNSTARRED QUESTION NO.
427 AND ANSWER DATED 12-12-2018.

EXHIBIT P3 TRUE COPY OF VIDE ORDER DATED 03-12-2019 IN
OA NO. 180/00071/2019 OF CAT ERNAKULAM
BENCH.

APPENDIX OF O.P. (CAT) .NO.213/2020

PETITIONER ANNEXURES:

- ANNEXURE A1 TRUE COPY OF THE JUDGMENT DATED 15.9.2017
IN WPC NO.15732/2017 ISSUED BY THE MADRAS
HIGH COURT.
- ANNEXURE A2 TRUE COPY OF THE ORDER IN SLP DIARY
NO.22283/2018.
- ANNEXURE A3 TRUE COPY OF THE LETTER NO.PAY/TECH/CORR.
DATED 29.11.2018 ISSUED BY THE SENIOR
ACCOUNTS OFFICER (NAVY) I/C.
- ANNEXURE A4 TRUE COPY OF THE REPRESENTATION DATED
23.10.2018 SUBMITTED BY THE 2ND APPLICANT.
- ANNEXURE A5 TRUE COPY OF THE REPRESENTATION DATED
23.10.2018 SUBMITTED BY THE 3RD APPLICANT.
- ANNEXURE A6 TRUE COPY OF THE REPRESENTATION DATED
23.10.2018 SUBMITTED BY THE 5TH APPLICANT.
- EXHIBIT P1 TRUE COPY OF THE OA NO.180/00134/2019 DATED
20.2.2019 FILED BEFORE THE CAT, ERNAKULAM
BENCH.
- EXHIBIT P2 TRUE COPY OF THE COMMON ORDER IN OA
NO.180/00134/2019 AND CONNECTED CASES,
DATED 3.12.2019 OF THE CENTRAL

O.P.(CAT).NO.111, 61, 64,
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ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXHIBIT P3

TRUE COPY OF THE LETTER F.NO.A-
23011/36/2013-AD.IIA DATED 18.10.2019
ISSUED BY THE MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE.

RESPONDENTS EXHIBIT: NIL.

APPENDIX OF O.P. (CAT) 214/2020

PETITIONER ANNEXURES:

- ANNEXURE A6 TRUE COPY OF THE UNSTARRED QUESTION NO.427 AND ANSWER DATED 12/12/2018 ISSUED BY THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS-LOK SABHA.
- ANNEXURE A1 TRUE COPY OF THE OFFICE ORDER NO.51/2011 DATED 30/06/2011 ISSUED BY THE 3RD RESPONDENT.
- ANNEXURE A2 TRUE COPY OF THE PPO NO.528531100346.
- ANNEXURE A3 TRUE COPY OF THE JUDGMENT DATED 15/09/2017 IN WPC NO.15732/2017.
- ANNEXURE A4 TRUE COPY OF THE ORDER IN SLP DIARY NO.22283/2018.
- ANNEXURE A5 TRUE COPY OF THE REPRESENTATION DATED 20/10/2018.
- ANNEXURE R1 TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF MADRAS IN A.V. THIYAGARAJAN V. THE SECRETARY TO GOVERNMENT (WPC NO.20732/2012) DATED 27/11/2012.
- ANNEXURE R2 TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KARNATAKA IN UNION OF INDIA AND 3 OTHERS V.Y. N.R. RAO (WPC NO.18186/2003).

ANNEXURE R3 TRUE COPY OF THE ORDER DATED 13/03/2019 IN
K. KANDASAMY'S CASE.

EXHIBIT P1 TRUE COPY OF THE OA NO.180/00109/2019 DATED
07/02/2019 FILED BY THE RESPONDENT BEFORE
THE CAT, ERNAKULAM BENCH.

EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT DATED
15/10/2019 FILED BY THE PETITIONERS.

EXHIBIT P3 TRUE COPY OF THE ORDER IN OA
NO.180/00109/2019 DATED 03/12/2019 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH.

RESPONDENTS EXHIBIT: NIL.

APPENDIX OF O.P. (CAT) .NO.216/2020

PETITIONER ANNEXURES:

- ANNEXURE A1 TRUE COPY OF THE PPO NO.528531100355.
- ANNEXURE A2 TRUE COPY OF THE JUDGMENT DATED 15.9.2017 IN WP 15732/2017.
- ANNEXURE A3 TRUE COPY OF THE ORDER IN SLP DIARY NO.22283/2018.
- ANNEXURE A4 TRUE COPY OF THE REPRESENTATION DATED 17.10.2018.
- ANNEXURE A5 TRUE COPY OF LETTER F.NO.S45/76/2010 ESTT. CUS DATED 24.12.2018.
- ANNEXURE R1 TRUE COPY OF JUDGMENT OF THE HON'BLE HIGH COURT OF MADRAS IN A.V.THIYAGARAJAN VS. THE SECRETARY TO GOVERNMENT (W.P.NO.20732/2012) DATED 27.11.2012.
- ANNEXURE R2 TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KARNATAKA IN UNION OF INDIA & 3 OTHERS V.Y.N.R. RAO (W.P NO.18186/2003).
- ANNEXURE R3 TRUE COPY OF THE ORDER DATED 13.3.2019 IN K.KANDASAMY'S CASE.
- EXHIBIT P1 TRUE COPY OF THE OA NO.180/00061/2019 DATED 22.1.2019 FILED BY THE RESPONDENT BEFORE THE CAT, ERNAKULAM BENCH.
- EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT DATED

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15.10.2021 FILED BY THE PETITIONERS

EXHIBIT P3

TRUE COPY OF THE ORDER IN OA
NO.180/00061/2019 DATED 3.12.2019 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH.

RESPONDENTS EXHIBIT: NIL.

//TRUE COPY//

P.S. TO JUDGE