

**Court No. 2****ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION No. 1049 of 2023**Tuesday this the 27<sup>th</sup> day of February, 2024**“Hon’ble Mr. Justice Anil Kumar, Member (J)  
Hon’ble Maj Gen Sanjay Singh, Member (A)”**

JC-797803A Ex Ris Narendra Singh  
 S/o Shri Kishan Singh  
 R/o House No. 98, Chamunda Sainik Colony Nizara,  
 Vill & Post – Koshiapur,  
 Distt – Udham Singh Nagar, Pin-244713 (UK)

..... Applicant

Ld. Counsel for the Applicant : **Shri KP Datta**, Advocate

Versus

1. Union of India, through Secretary, Ministry of Defence, New Delhi – 110011.
2. The Chief of Army Staff, IHQ of MoD (Army), South Block, New Delhi – 110011.
3. Officer in Charge RVC Records, Pin – 900468, C/o 56 APO.
4. O/o PAO (OR) RVC, Pin – 900468, C/o 56 APO.
5. O/o PCDA (Pension), Draupadi Ghat, Allahabad-211014.

.....**Respondents**

Ld. Counsel for the Respondents : **Shri Bipin Kumar Singh**  
 Central Govt. Counsel

**ORDER**

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- “A. To pass an order to grant notional increment due on 01.07.2022 (for the period from 01.07.2021 to 30.06.2022) for one full year of service for the purpose of pensionary benefits in light of Hon’ble Court orders in similar cases.*
- B. To pass an order to revise pension and other retiral benefits duly issued Corrigendum PPO after computing last increment due on 01.07.2022.*
- C. To pass an order to grant arrears accrued after revision of Pension and retiral benefits alongwith interest on arrears wef 01.07.2022.*
- D. To pass any other order as may deem just, fit and proper under the circumstances of the case in his favour.”*

2. Briefly stated, applicant was enrolled in the Indian Army on 23.06.1994 and was discharged on 30.06.2022 (AN) in the rank of Risaldar. The applicant approached the respondents vide his application dated 31.01.2023 for grant of increment which was due on 01.07.2022 and re-fixation of pension and for issuance of fresh Corrigendum P.P.O. on the ground that after the Six Central Pay Commission the Central Government fixed 1<sup>st</sup> July as the date of increment for all Government Employees but the same was rejected by the respondents vide their letter dated 18.07.2023 on the ground there being no anomaly in fixation of pay of the applicant. It is in this perspective that the applicant has preferred the present Original Application.

3. Learned Counsel for the applicant submitted that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant is entitled for grant of last annual increment due on 01.07.2022 but the respondents have issued PPO without granting last annual increment which was due on 01.07.2022 and thus, applicant is receiving less pension in comparison to his batch mates. He relied upon the law laid down by the Hon'ble Madras High Court in the case of ***P. Ayyamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017) and AFT (RB), Lucknow judgment in O.A. No. 366 of 2020, **HFL Sarvesh Kumar vs. Union of India and Others**, decided on 12.08.2021, OA No. 410 of 2023, **Ex ACP Nb sub Tikendra vs. Union of India & Others**, decided on 05.07.2023 and OA No. 161 of 2022, **Ex Sgt. Kapil Sharma V. Union of India & Others** and pleaded for grant of last annual increment due on 01.07.2022 and revision of pensionary benefits.

4. Submission of Ld. Counsel for the respondents is that applicant is not entitled to last annual increment as on 01.07.2022 and PPO has correctly been issued taking into consideration his last pay drawn, i.e. Rs. 57,200/-. In this regard, PAO (OR) RVC, Meerut Cantt. letter dated 05.10.2023 states that applicant was promoted to the rank of Risaldar w.e.f. 01.07.2019, therefore as per

Para 10 of Army Pay Rules 2017, applicant was entitled for the annual increment w.e.f. 01.01.2020 and accordingly, he has been granted annual increments on 01.01.2020, 01.01.2021 and 01.01.2022, thereafter, his next annual increment was due on 01.01.2023 but the applicant was discharged from service on 30.06.2022, i.e. six months before accruing next increment, hence, the applicant is not entitled for annual increment as on 01.07.2022.

5. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondents and gone through the records and we find that the only question which needs to be answered is that whether the applicant is entitled for one notional increment?

6. The applicant relied on the judgment of the Hon'ble Madras High Court in the case of ***P. Ayyamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No. 22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

*"5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was*

*rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.*

*6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*

*7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”*

7. The above judgment of the Hon’ble Madras High Court in the case of **P. Ayyamperumal** (supra) for grant of one notional increment on completion of one full year service is not applicable in the case of the applicant as the applicant has already been granted his regular annual increment as on 01.01.2022 which was changed from July to January on his promotion to the rank of Risaldar w.e.f. 01.07.2019.

8. Since, annual increment of the applicant was due on 01.01.2023 but the applicant was discharged from service on 30.06.2022 on completion of his terms of engagement, i.e. six months before accruing next increment, hence, the applicant is not

entitled for annual increment as on 01.07.2022 as per Govt. of India, Ministry of Finance letter No. 4-21/2017-IC/E.IIIA dated 28.11.2019 and Rule 10 of CCS (RP) Rules, 2016 and Para 10(1) of Army Pay Rules, 2017.

9. In view of the above, the Original Application is liable to be dismissed and is accordingly, **dismissed**.

10. No order as to costs.

11. Pending Misc. Application(s), if any, shall be treated to have been disposed off.

**(Maj Gen Sanjay Singh)**  
**Member (A)**

**(Justice Anil Kumar)**  
**Member (J)**

Dated : 27<sup>th</sup> February, 2024  
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