



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 10<sup>TH</sup> DAY OF NOVEMBER 2023 / 19<sup>TH</sup> KARTHIKA,  
1945

OP (CAT) NO. 171 OF 2023

JUDGMENT IN OA 138/2020 OF CENTRAL ADMINISTRATIVE  
TRIBUNAL, ERNAKULAM BENCH

PETITIONERS/APPLICANTS IN OA:

- 1 K.N. SOMAN, AGED 66 YEARS  
S/O. NANU, RETIRED POSTMAN (TBOP), DEPARTMENT OF  
POSTS, NEW DELHI SOUTH WEST DIVISION - 110 021,  
RESIDING AT JYOTHISH BHAVANAM, PALLICKAL,  
PANAYIL NOORANAD, ALAPPUZHA, PIN - 690504
- 2 REMADEVI AMMA R., AGED 67 YEARS  
W/O. S. MURALEEDHARAN PILLAI, RETIRED POSTMAN  
(HSG-I), DEPARTMENT OF POSTS, KAYAMKULAM H.O.,  
ALAPPUZHA - 690 101., RESIDING AT KALPAKASSERIL  
PUTHIA VILA, PATTOLI MARKET P.O., ALAPPUZHA, PIN  
- 690531

BY ADVS.  
VIVEK A.V.  
AMMU M.

RESPONDENTS/RESPONDENTS IN OA:

- 1 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT  
OF INDIA, DEPARTMENT OF POSTS, GOVERNMENT OF  
INDIA, NEW DELHI, PIN - 110001



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- 2 THE CHIEF POSTMASTER GENERAL  
DELHI CIRCLE, O/O. THE CHIEF PMG, DELHI CIRCLE,  
NEW DELHI, PIN - 110001
- 3 THE CHIEF POSTMASTER GENERAL  
KERALA CIRCLE, THIRUVANANTHAPURAM, PIN - 695033
- 4 THE SENIOR SUPERINTENDENT OF POST OFFICE  
NEW DELHI SOUTH WEST DIVISION, CHANKYAPURI, NEW  
DELHI, PIN - 110021
- 5 THE SUPERINTENDENT OF POST OFFICE  
MAVELIKKARA POSTAL DIVISION, MAVELIKKARA, PIN -  
690101

BY ADV ACHUTH KRISHNAN R

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON  
10.11.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



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**JUDGMENT**

**A. MUHAMED MUSTAQUE, J.**

This original petition has been filed challenging an order of the Central Administrative Tribunal (for short, "the Tribunal"). The order is part of a common order.

2. The issue is whether a government servant, who retired on the last working day of the preceding month and whose annual increment falls due in the succeeding month, is entitled to such increment. This issue has been answered in favour of the government servant in a batch of original petitions [OP(CAT) No.65 of 2023 and connected cases] filed before this Court.

Therefore, in the light of the above judgment, the original petition stands allowed and the impugned order is set aside. The petitioner



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would be entitled to similar benefits as applicable in the light of the judgment as above.

Sd/-

**A. MUHAMED MUSTAQUE**

**JUDGE**

Sd/-

**SHOBA ANNAMMA EAPEN**

**JUDGE**

bka/-



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**APPENDIX OF OP (CAT) 171/2023**

PETITIONER ANNEXURES

- Annexure A1                    A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2013/DE/50214/IX DATED 17.04.2013 ISSUED BY THE GM FINANCE, POSTAL ACCOUNT OFFICE, SHAMNATH MARG CIVIL LINES, DELHI TO THE 1ST PETITIONER
- Annexure A2                    A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2015/KE/22472/1/PEN1 DATED 30.01.2015 ISSUED BY THE DIRECTOR OF POSTAL ACCOUNTS, KERALA CIRCLE TO THE 1ST PETITIONER
- Annexure A3                    A TRUE COPY OF THE PENSION PAYMENT ORDER NO. POSTAL/2012/KE/21109/PEN6 DATED 06.06.2012 ISSUED BY THE DIRECTOR OF ACCOUNTS (POSTAL) KERALA CIRCLE TO THE 2ND PETITIONER
- Annexure A4                    A TRUE COPY OF THE JUDGMENT DATED 15.09.2017 IN W.P.(C) NO. 15732/2017 OF THE HON'BLE MADRAS HIGH COURT
- Annexure A5                    A TRUE COPY OF THE ORDER DATED 23.07.2018 IN S.L.P.(CIVIL) DIARY NO. 22283/2018 OF THE HON'BLE SUPREME COURT OF INDIA
- Annexure A6                    A TRUE COPY OF THE REPRESENTATION DATED 05.02.2019 SUBMITTED BY THE 1ST PETITIONER TO THE 4TH RESPONDENT
- Annexure A7                    A TRUE COPY OF THE REPRESENTATION DATED 05.02.219 SUBMITTED BY THE 2ND PETITIONER TO THE 5TH RESPONDENT
- Annexure R1                    A TRUE COPY OF THE EXTRACT OF THE CCS (REVISED) PAY RULES, 2006



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- Annexure R2                    A TRUE COPY OF THE O.M. NO.  
1396752/2019-ESTT(PAY-I) DATED  
11.11.2019 ISSUED BY THE DOPT
- Exhibit P1                    A TRUE COPY OF THE FINAL ORDER DATED  
01.11.2022 IN O.A. NO. 138/2020 OF THE  
HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, ERNAKULAM BENCH
- Exhibit P2                    A TRUE COPY OF THE O.A. NO. 138/2020  
FILED BY THE PETITIONERS BEFORE THE  
HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, ERNAKULAM BENCH
- Exhibit P3                    A TRUE COPY OF THE REPLY STATEMENT  
FILED BY THE RESPONDENTS IN O.A. NO.  
138/2020 OF THE HON'BLE CAT
- Exhibit P4                    A TRUE COPY OF THE JUDGMENT DATED  
11.04.2023 IN THE DIRECTOR (ADMN AND  
HR) KPTCL V. C.P. MUNDINAMANI, (AIR  
2023 SC 1956) OF THE HON'BLE APEX  
COURT