

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A No. 2 OF 2012

FRIDAY, THE 5TH DAY OF APRIL, 2013/15TH CHAITHRA, 1935

CORAM:

HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

APPLICANT:

EX – 670614 B JWO V.K.RAMAKRISHNAN,
CRYPTOGRAPHER, AGED 51 YEARS,
S/O V.KESAVAN, VETTUKATTIL HOUSE,
POST – PALAPPURAM, OTTAPPALAM – 679103,
KERALA.

BY ADV. SRI. T.R.JAGADEESH

versus

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI – 110 011.
2. THE CHIEF OF THE AIR STAFF,
AIR HEADQUARTERS (VB) NEW DELHI 110 011.
3. AIR OFFICER COMMANDING,
AIR FORCE RECORD OFFICE, NEW DELHI – 110010.
4. COMMANDING OFFICER, AFCAO, SUBROTO PARK,
NEW DELHI – 110010.
5. DY CDA(AF), SUBROTO PARK, NEW DELHI.

BY ADV.SRI.TOJAN J VATHIKULAM, CENTRAL GOVT. COUNSEL..

O R D E R

Shrikant Tripathi, Member (J):

1. Heard Mr.T.R.Jagadeesh for the applicant and counsel for the respondents and perused the record.

2. The facts are almost undisputed. The applicant, after rendering 20 years service from 8th September 1979 to 30th September 1999 retired from the rank of Junior Warrant Officer in the afternoon of 30th September 1999. His date of annual increment was 1st October every year. Had he continued in service even after 30th September, 1999 he would have been entitled to an annual increment with effect from 1st October 1999. Since he retired prior to 1st October 1999 he was not granted the annual increment which he earned for the 12 months service from 1st October 1998 to 30th September 1999.

3. Mr.T.R.Jagadeesh submitted that the annual increment was payable on completion of twelve month's service which the applicant completed from 1st October

1998 to 30th September 1999, therefore, he was entitled to one annual increment in the afternoon of 30th September 1999 and accordingly his pension was liable to be enhanced.

4. The aforesaid question pertains to the modification of the policy with regard to increment, therefore, proper course for the applicant was to request the Government to remove the anomaly and lay down appropriate policy and as such it is not possible to issue any direction. However, we request the respondent No.1 to give due consideration to the aforesaid anomaly and take appropriate positive decision in the matter.

5. The annual increment is payable, no doubt, on completion of 12 months service from the date of the last annual increment but it becomes payable at the beginning of the next year, therefore, the contention that the applicant was entitled to annual increment in the afternoon of 30th September 1999 does not appear to be correct. According to the Government policy, the annual increment

payable for the year 1st October 1998 to 30th September 1999 was payable only with effect from 1st October 1999 and not prior to that. As the applicant was not in service on 1st October 1999, there was no question of granting him annual increment of the year immediately preceding 1st October 1999.

6. In view of the aforesaid, the Original Application has no merit and is accordingly dismissed.

7. There will be no order as to costs.

8. Issue copy of the order to both side.

Sd/-
LT.GEN.THOMAS MATHEW
MEMBER (A)

sd/-
JUSTICE SHRIKANT TRIPATHI
MEMBER (J)

(true copy)

an

Prl.Pvt.Secretary