Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 371 of 2025 Date of CAV: 21.07.2026
Date of Pronouncement: 29.07.2026

1. Union of India
Represented by the Secretary to the Government of India,
Ministry of Mines, Department of Mines,
Shastri Bhawan, New Delhi

2. The Director General,
Geological Survey of India, 27,
Jawaharlal Nehru Road Kolkata 700016.

3. The Additional Director General & HOD,
Geological Survey of India,
Rynjah, Shillong - 793006.

….. **Petitioners**

- Vs -

1. Shri Rafique Uddin Barbhuiya
S/o (L) Burhan Ali Barbhuiya,
R/o Village and Post office -Srikona,
District - Cachar, Assam – 788026

…… **Respondent**

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Appearance:

For the Petitioner/Appellant(s) : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv.

For the Respondent(s) : Mr. A.R. Tabildar, Adv.

Per W. Diengdoh, (J):

JUDGMENT AND ORDER

1. The respondent herein was appointed in the Geological Survey of India (GSI) as Store Clerk on 01.07.1997. Thereafter, he was promoted to the post of Assistant Store Keeper (Technical) w.e.f. 12.01.2005 and again, to the post of Store Keeper w.e.f. 04.02.2008. He superannuated on 31.12.2023.

2. Contending that he is entitled to increment as on 01.01.2024, the respondent approached the Central Administrative Tribunal (CAT), Guwahati Bench vide Original Application No. 40/72/2025, praying inter alia, that the respondents therein, be directed to confer the said benefit due to him as on 01.01.2024 and consequently, for the re-fixation of his pension in this regard.

3. The learned CAT, vide an ex-parte order dated 20.03.2025, the date of admission of the said application, disposed of the same with a direction to the respondents/petitioner herein to grant one notional increment falling due on the very next date, that is, 01.01.2024 to the respondent herein, and further, to issue the revised PPOs (after notional fixation of one increment) within a period of 4(four) months from the date of receipt of certified copy of the order.

4. Being dissatisfied and aggrieved by the said order of the learned CAT, dated 20.03.2025, the Union of India/petitioner has now come before this Court with this instant writ petition with the sole prayer for the said impugned

order to be set aside and quashed.

5. We have heard Dr. N. Mozika, learned DSGI along with Ms. K. Gurung, learned counsel for the petitioner as well as Mr. A.R. Tabildar, learned counsel for the respondent.

6. From the argument advanced by the learned counsels for the respective parties, the contention of the petitioner is that the impugned order was passed on a wrong premise i.e. the learned CAT was made to understand that the respondent who is to retire on 31.12.2023 and the next date of increment being 01.01.2024, he was entitled to notional increment. However, the fact of the matter is that based on the option exercised by the respondent, vide his letter dated 16.02.2023, his date of next increment fell on 1st July of the next year. Corresponding orders have been passed in this regard, clearly indicating that his next date of increment will fall on 01.07.2024 and not 01.01.2024.

7. Per contra, Mr. A.R. Tabildar, learned counsel for the respondent has maintained that the annual increment does not arise only on the Date of Next increment (DNI), but would accrue from the very next date on which the employee has earned his previous increment. The respondent herein having served for about 6(six) months more after his last increment on 01.07.2023, the learned CAT is justified to consider his case and directed for grant of notional increment, submits the learned counsel.

8. We have perused the impugned order and have indeed noticed that at the outset, the learned CAT has come to an opinion or was made to understand that the respondent who had retired on 31.12.2023, and the DNI as far as he is concerned, is in the month of January of the next year, that is, 01.01.2024, when infact, it was 01.07.2024. Relevant authorities of the Supreme Court have been cited to support this observation.

9. However, this is not the case herein, as has been pointed out by the learned DSGI, the Government of India vide Office Memorandum dated 31.07.2018 has clarified that the next increment is available only after a period of 12 months. The said OM is reproduced herein below for further clarity:

"F. No. 4-21/2017-IC/E.III(A)
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
Dated 31st July, 2018

<u>OFFICE MEMORANDUM</u>

Subject: Date of next increment- Rule 10 of CCS (RP) Rules, 2016-regarding.

The undersigned is directed to invite attention to Rule 10 of CCS (RP) Rules 2016 which provides, inter alia, that there shall be two dates for increment namely 1st January and 1st July of every year, instead of the provision of one date of increment on the 1st July during the 6th Pay Commission pay structure. The Rule further provides that an employee shall be entitled to only one annual increment either on 1st January or 1st July depending on the date of appointment, promotion or grant of *financial upgradation. The Sub-Rule (2) thereof provides that increment in respect of an employee appointed or promoted or granted financial upgradation including upgradation under MACP during the period between the 2nd day of January and 1st day of July (both inclusive) shall be granted on 1st day of January and the increment in respect of an employee appointed or promoted or granted financial upgradation including upgradation under MACP during the period between 2nd day of July and 1st day of January (both inclusive) shall be granted on 1st day of July.*

2. The proviso to Sub-Rule 2 of Rule 10 of CCS (PR) Rules, 2016 provides that the next increment after drawal of increment on 1st day of July 2016 shall accrue as on 1st day of July 2017.

3. A number of references has been received in the Ministry of Finance seeking clarification whether in case of an employee promoted on 1st July 2016, whose pay was fixed on 01/07/2016 in terms of the rules governing fixation of pay on promotion, the next increment may be allowed on 1st January 2017 or on 1st July 2017.

4. The matter has been considered. During the regime of pay structure obtaining immediately prior to 01/01/2016, when the annual increment was admissible uniformly on 1st July every year, the increment was admissible on 1st July, provided the condition of 6 months' service was fulfilled. Thereafter, the next increment used to be given after a period of 12 months.

5. Accordingly, keeping in view the principle followed during the period before 1.1.2016 immediately prior to coming into force of the CCS(RP) Rules, 2016, which has been modified in the revised pay structure in terms of Rule 10 thereof by way of 2 dates of increment on 1st January and 1st July, it is clarified that in case an employee is promoted or granted financial upgradation including upgradation under the MACP scheme on 1st January or 1st July, where the pay is fixed in the Level applicable to the post on which promotion is made in accordance with the Rule 13 of the CCS(RP) Rules, 2016, the first increment in the Level applicable to the post on which promotion is made shall accrue on the following 1st July or 1st January, as the case may be, provided a period of 6 months' qualifying service is strictly fulfilled. The next increment thereafter shall, however, accrue only after completion of one year. (emphasis laid)

6. This order is issued in consultation with office of C&AG in its application to employees working in Indian Audit and Accounts Department.

7. Hindi version of this order is also attached.

Sd/-
(Ram Gopal)
Under Secretary to the Government of India

To,
All Ministries/Departments (As per the list)
Copy to:- C&AG, UPSC etc. as per standard endorsement list.
Copy also to NIC: with a request to place this OM on the website of Ministry of Finance (DoE).”

10. In view of the above, we find that the learned CAT has failed to consider the factual aspect of the case of the parties therein and has come to a wrong conclusion vis-à-vis the DNI, whilst passing the impugned order.

11. Accordingly, the said impugned order is hereby quashed and set aside.

12. Petition disposed of. No costs.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice