

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34908 of 2015

R.Ramakrishnan

...Petitioner

-Vs-

- 1 State of Tamil Nadu
Rep by its Secretary to Government Rural
Development and Panchayat raj Department
Fort St. George Chennai-9
- 2 Director
Commissionerate of Rural Development and
Panchayat Raj Panagal Building Chennai-15.
- 3 District Collector
Kancheepuram District Kancheepuram.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to forthwith sanction one annual increment due to the petitioner herein for the period 01-10-1990 to 30-09-1991 and accordingly re-fix the last drawn pay of the petitioner herein and pay revised pension and arrears of difference in pension and other retirement benefits with due interest in accordance with law.

For Petitioner : Mr.V.R.Rajasekaran
For Respondents : Mr.N.Srinivasan AGP

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner retired from service as Rural Welfare Officer Grade-I on 01.10.1991 and he would state that annual increment was due on 1st of October of every year, he was in service till the after noon of 30.09.1991. It takes effect from 01.10.1991 and consequently, he was not paid the said increment and also placed reliance on the decision of this Court in N.S.Rangasamy V. Director of High School Education reported in 2011 W.L.R. 728 in and by which this Court has held that on completion of one year service by the writ petitioner, a right accrued in his favour for claiming annual increment provided the same is not withheld for any valid reason and the increment shall be paid to the individual notwithstanding the fact that he was not in service and retired on the day on which the annual increment is payable and it was followed by this Court in W.P.No.21500 of 2013 (M.Velu V. The Director of Treasuries and Accounts, Chennai-15) and W.P.No.13605 of 2015 (R.Raman Vs. State of Tamil Nadu rep. by its Secretary to Govt.) and W.P. (M.D).No.7903 of 2012 (R.Athikesavan V.The Chairman, TANGEDGO) and prays for appropriate orders.

3. This Court heard the submissions of the learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of respondents.

4. Though the petitioner has prayed for a larger relief, this Court, without going into the merits of the case, directs the third respondent to consider and dispose of the petitioner's representation dated 31.08.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

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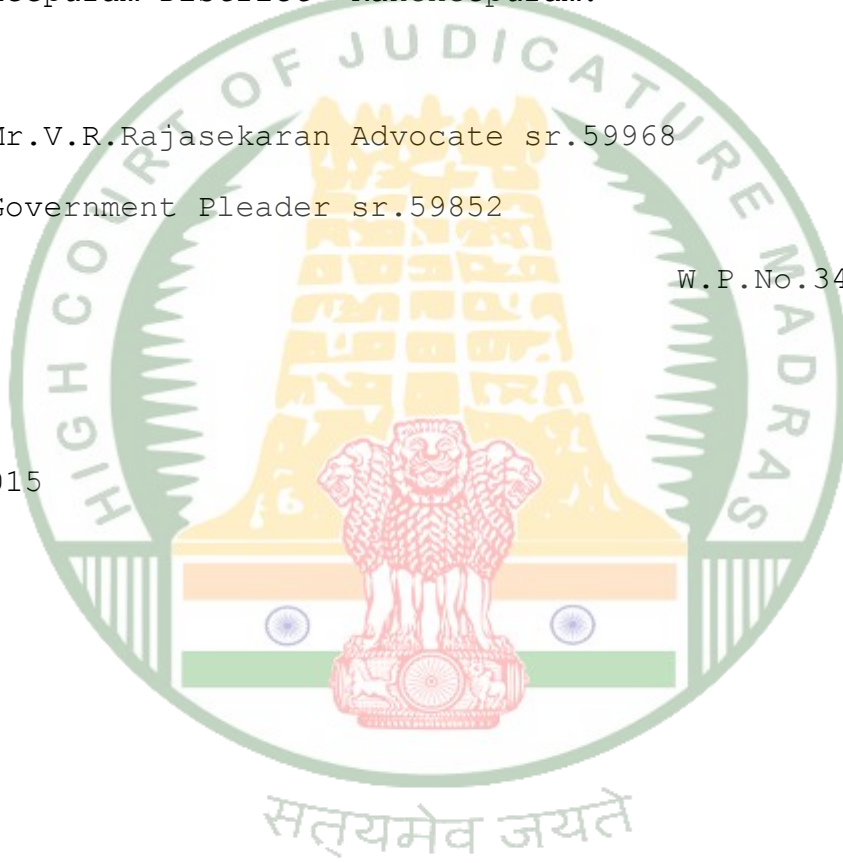
- 1 Secretary to Government
State of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St. George Chennai-9
- 2 Director,
Commissionerate of Rural Development and
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- 3 District Collector,
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+1 cc to Mr.V.R.Rajasekaran Advocate sr.59968

+1 cc to Government Pleader sr.59852

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