

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11572 of 2016

S.Arunachalam

... Petitioner

vs.

1.The Accountant General
(Accounts& Entitlements),
No.361, Anna Salai,
Teynampet,
Chennai- 600 018.

2.The Additional Assistant
Elementary Educational Officer,
Sendurai Taluk,
Ariyalur District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus calling for the records of the 1st respondent bearing No.Pen 16/III/1161799/ADK/15-16/Final Reply/352-353 dated 29.02.2016 and quash the same directing the respondents to sanction and disburse the bonus increment from the date of completion of 10 years as Special Grade, Headmaster or from the date of completion of 30 years as Headmaster in Elementary Education in pursuance to the G.O.Ms.No.562 Finance(Pay Cell) Department dated 28.10.1998 within a time frame fixed by this Court.

For Petitioner	:	Mr.G.Ilamurugu
For RR1	:	Mr.J.Sree Vidya
For RR2	:	Mr.S.Gunasekaran, AGP

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for issuance of a writ of certiorarified mandamus,

calling for the records of the 1st respondent bearing No.Pen 16/III/1161799/ADK/15-16/Final Reply/352-353 dated 29.02.2016 and quash the same directing the respondents to sanction and disburse the bonus increment from the date of completion of 10 years as Special Grade, Headmaster or from the date of completion of 30 years as Headmaster in Elementary Education in pursuance to the G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.10.1998.

3. It is the case of the petitioner that he was originally appointed as Assistant Elementary Teacher on 07.09.1960 and his service was regularized on the same day and he completed his probation on 07.09.1962. He obtained the Selection Grade from 01.04.1974 and also obtained Special Grade with effect from 01.06.1981 and during the course of time, he was promoted as Headmaster with effect from 14.04.1961 and attained superannuation on 30.11.1999.

4. It is also the case of the petitioner that he had completed his service as the Headmaster of the Elementary Education for over a period of 30 years and also completed 10 years of service as Special Grade Headmaster. He further submits that he is entitled to the bonus increment with effect from the date of completion of 10 years from the date of the Special Grade i.e., from 01.06.1981.

5. It is the further case of the petitioner, since he has completed his service as Headmaster for over a period of 30 years on 04.03.1999, he applied for grant of Bonus increment with effect from 05.03.1999 till the date of superannuation, to the second respondent by way of a representation dated 10.08.2015. In turn, the 2nd respondent forwarded and recommended with positive proposal to the 1st respondent, vide his letter bearing No.Na.Ka.No.788/A1/2015 dated 14.08.2015 along with the service register and thereby calculated the period of completion in the Selection Grade Headmaster.

6. It is the further case of the petitioner that the 2nd respondent also recommended for the bonus increment in the salary which had been sanctioned by the first respondent, whereas the first respondent returned the recommendation of the petitioner as to the bonus increment for the purpose of the pension in pursuance to the Government Order in G.O.Ms.No.562, Finance(Pay Cell) Department dated 28.10.1998 on the ground that he has not completed his 30 years of service in the secondary grade assistant continuously and there is a break in service and he has also not completed 10 years of service in the Special Grade. According to the petitioner, the impugned order passed by the first respondent is erroneous. Challenging the said order, the petitioner has come up with the present writ petition.

7. I have heard the learned counsel on either side and perused the materials available on record.

8. The learned counsel appearing for the petitioner has submitted that as per G.O.Ms.No.562, Finance(Pay Cell) Department dated 28.10.1998, the employees stagnating in a post beyond 30 years, i.e. employees stagnating in the special grade beyond ten years, be granted with one bonus increment as an incentive.

9. The petitioner has completed and satisfied with both the above conditions mentioned in G.O.Ms.No.562, Finance(Pay Cell) Department dated 28.10.1998. Thus, it is clear that the petitioner has completed his 10 years in special grade from 01.06.1981 to 31.05.1991 and has also completed his 30 years of service on 30.11.1999. Hence, the learned counsel appearing for the petitioner seeks quashing of the impugned order, with a consequential direction to disburse bonus increment for the completion of 10 years as special grade Headmaster for over a period of 30 years as the Headmaster of the Elementary Education, in pursuance of the conditions mentioned in G.O.Ms.No.562, Finance(Pay Cell) Department dated 28.10.1998.

10. The learned counsel appearing for the first respondent by filing her counter affidavit, has opposed that the petitioner has not completed 30 years of service, and therefore, he is not entitled for the benefits provided under G.O.Ms.No.562, Finance (Pay Cell) Department dated 28.10.1998.

11. Since, it is the claim of the petitioner that he has completed 10 years of service as Special Grade Headmaster as well as 30 years of service as the Headmaster of the Elementary Education, the petitioner is directed to give a fresh representation to the first respondent seeking for his above relief and on receipt of the same, the first respondent is directed to pass an appropriate orders with regard to reversing the earlier order dated 29.02.2016, on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Accountant General
(Accounts& Entitlements),
No.361, Anna Salai,
Teynampet,
Chennai- 600 018.

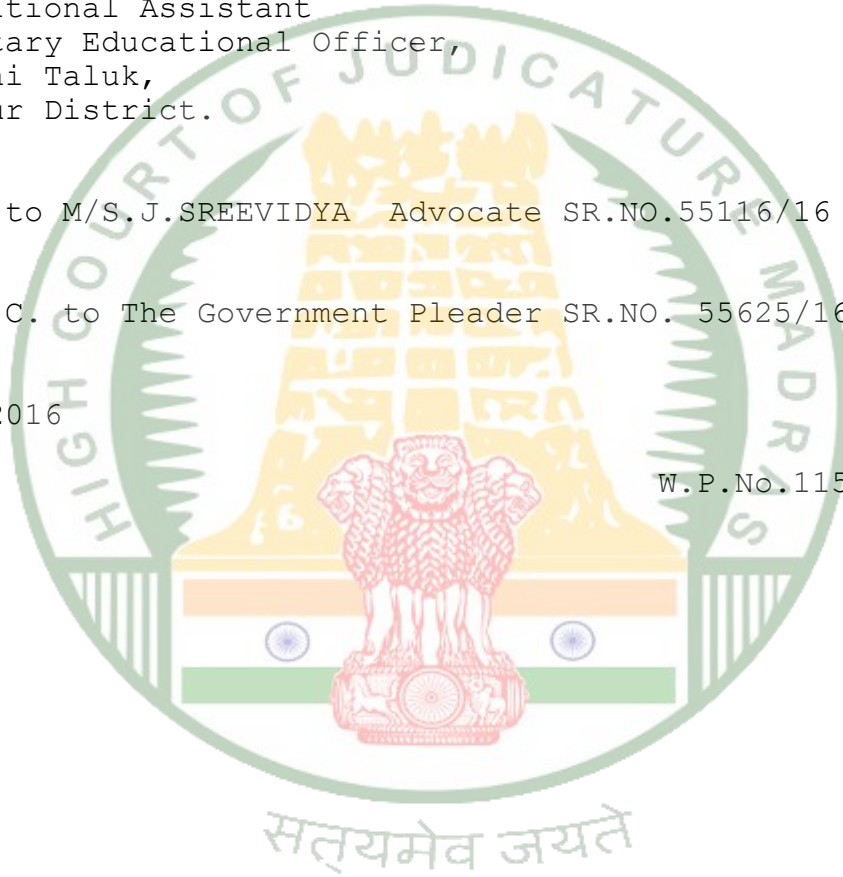
2.The Additional Assistant
Elementary Educational Officer,
Sendurai Taluk,
Ariyalur District.

C.C. to M/S.J.SREEVIDYA Advocate SR.NO.55116/16

+1 C.C. to The Government Pleader SR.NO. 55625/16

CTR (CO)
VS 22.10.2016

W.P.No.11572 of 2016



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