

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.673 of 2016

1. State of Tamil Nadu
rep.by its Secretary to Government
Rural Development and Panchayat Raj Department
Fort St.George
Chennai-09
 2. Director
Commissionerate of Rural Development
and Panchayat Raj
Panagal Building
Chennai-15
 3. District Collector
Kancheepuram District
Kancheepuram ... Appellants /Respondents
- vs-
- R.Raman ... Respondent/Petitioner

Appeal under Clause 15 of the Letters Patent, against the order dated 08.06.2015 made in W.P.No.13605 of 2015.

WP.No.13605 of 2015:Writ Petition filed under Article 226 of the Constitution of India for the issue of Writ of Certiorarified Mandamus calling for the entire records of the 3rd respondent herein in his Na.Ka.No.38151/2013/ P.A-1 dated 29.11.2013 and in O.Mu.No.15426/2014/P.A.1 dated 9.7.2014 and quash the same and consequently direct the respondents herein to forthwith sanction annual increment due to the petitioner herein for the period 1.10.2013 to 30.9.2004 and re-fix the last drawn pay of the petitioner herein accordingly and pay revised pension and arrears of difference in pension and other retirement benfits with due interest in accordance with law.

For Appellants :: Mrs.A.Srijayanthi
Special Government Pleader

For Respondent :: Mr.V.R.Rajasekaran

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader for the appellants and the learned counsel for the respondent.

2. The issue relates to payment of annual increment to the respondent/writ petitioner for the service rendered for one year prior to his retirement. It appears that the respondent/writ petitioner is stated to have retired on 30.9.2004, whereas the annual increment was due on 1.10.2004. However, to allow the prayer of the writ petitioner, the learned single Judge had followed an order passed in Writ Petition No.21500 of 2013 dated 2.8.2013, referring to the earlier decisions of this Court, for extending the benefit of annual increment, on the basis that a person is entitled for the grant of annual increment for each completed year of service. Challenging the said order, the present appeal is filed by the State.

3. The reasoning in paragraph-5 of the order of the learned single Judge resort to the fact that the earlier judgments of this Court extending the similar benefit have formed the basis for allowing the prayer. The only ground raised by the learned Special Government Pleader for the appellants is that the respondent/writ petitioner is seeking the benefit after a lapse of ten years of his retirement. However, we do not find fault with the order passed by the learned single Judge in extending the benefit of increment to the writ petitioner, which was due on the very next date of his retirement, for having completed one year of service from 1.10.2003 to 30.9.2004. Hence the writ appeal is disposed of with a direction to the appellants to extend the benefit of increment as ordered by the learned single Judge, within a period of two months from the date of receipt of a copy of this order. Consequently, C.M.P.No.8902 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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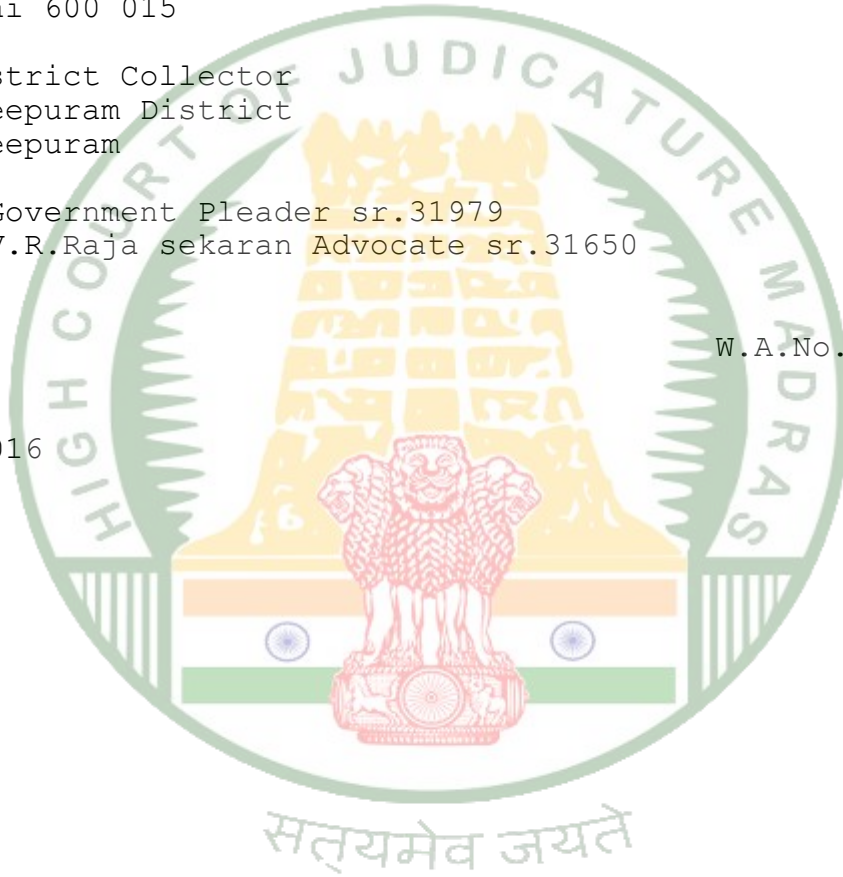
1. The Secretary to Government
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2. The Director
Commissionerate of Rural Development
and Panchayat Raj
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3. The District Collector
Kancheepuram District
Kancheepuram

+1 cc to Government Pleader sr.31979

+1 cc to V.R.Raja sekaran Advocate sr.31650

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