

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.39107 of 2016

R.Manickam

.. Petitioner

Vs

1.The Principal Chief Conservator
of Forest,
Office at Panagal Building,
Saidapet, Chennai-15.

2.The District Forest Officer,
Vellore, Vellore District.

3.The Conservator of Forest,
Vellore, Vellore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to sanction and release annual increment to the petitioner for the year 1996 i.e., as on 1.9.1996 with all consequential monetary benefits, including enhanced pension, in the light of the representations made by him on 13.10.2010 and 28.1.2016 within a time limit that may be fixed by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forest)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to sanction and release annual increment to him for the year 1996 i.e., as on 1.9.1996 with all consequential monetary benefits, including enhanced pension, in the light of the representations made by him on 13.10.2010 and 28.1.2016 within a time limit that may be fixed by this Court.

3. It is the case of the petitioner that he was appointed as Forest Guard in the Forest Department on 29.11.1979. Subsequently, he was promoted as Forester in the month of February, 1995. Later, he attained the age of superannuation on 30.6.2009 and retired from service. During the course of his employment, he was paid annual increment on the 1st January of every month. When he was promoted to the post of Forester during February 1995, in view of the anomalies in the Tamil Nadu Revised Pay Scale Rules, 1995, which came into effect as on 1.1.1996, he was not paid annual increment, which was due and payable to him. However, the petitioner was paid annual increment from 1.1.1997 continuously till his retirement. Even during the course of his employment, he submitted numerous representations to the respondents to set right the anomaly by sanctioning annual increment to him as on 1.1.1996. But, the same was not considered so far. The non-payment of annual increment as on 1.1.1996 resulted in a huge impact in his pension amount. In this regard, finally, he sent a representation dated 28.1.2016 to the first respondent. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondents to sanction and release annual increment for the year 1996 i.e., as on 1.9.1996 with all consequential monetary benefits, including enhanced pension.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking annual increment for the year 1996 i.e., as on 1.9.1996 with all consequential monetary benefits, including enhanced pension and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Principal Chief Conservator
of Forest,
Office at Panagal Building,
Saidapet, Chennai-15.

2.The District Forest Officer,
Vellore, Vellore District.

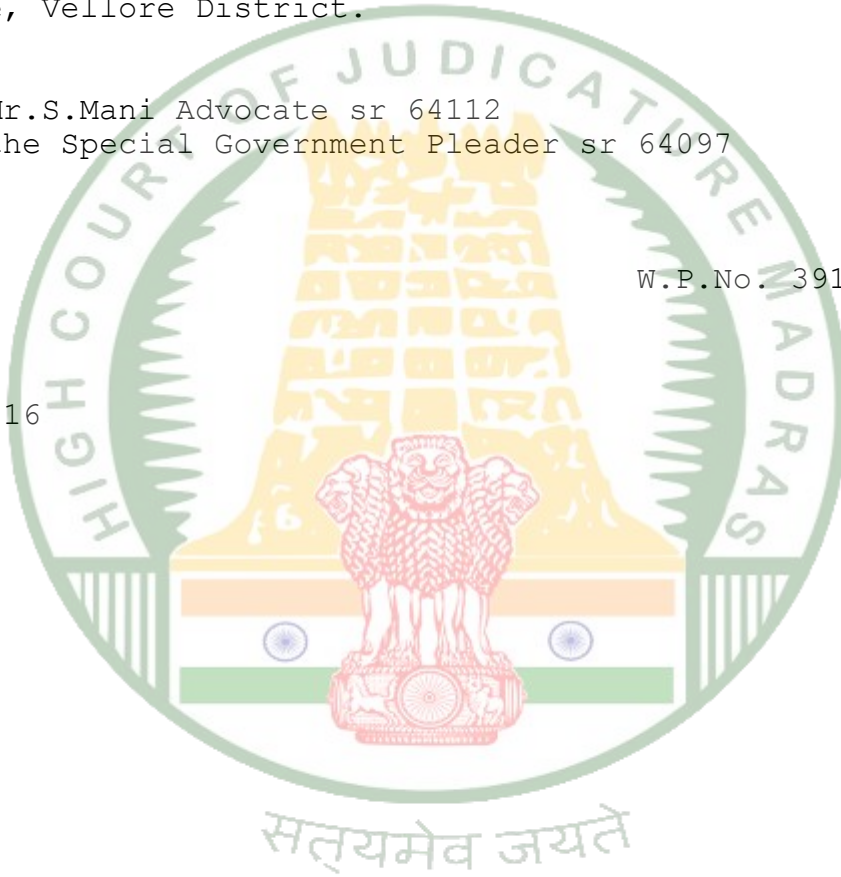
3.The Conservator of Forest,
Vellore, Vellore District.

+1 cc to Mr.S.Mani Advocate sr 64112

+1 cc to the Special Government Pleader sr 64097

W.P.No. 39107 of 2016

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