

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40770 to 40772 of 2016

W.P.No.40770 of 2016:

G.R.Devarajan

... Petitioner

Vs.

1.The Secretary to Government
School Education Department
Fort St. George, Chennai.

2.The District Educational Officer
Krishnagiri District.

3.The Head Master
Government High School
Periyakotapalli,
Krishnagiri District.

.... Respondents

Writ petition No.40770 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to grant the petitioner with Annual increment which fell due on 1.10.2010 by taking into account the services rendered by the petitioner from 1.10.2008 to 30.9.2009 as per the judgment of the Division Bench in W.A (MD) No.1114 of 2016 and consequently revise the pensionary benefits of the petitioner.

W.P.No.40771 of 2016:

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... Petitioner

Vs.

1.The Secretary to Government
School Education Department
Fort St. George, Chennai.

2.The District Educational Officer
Krishnagiri District

3.The Head Master

Government Girls High Secondary School
Nedungal Krishnagiri District.

... Respondents

Writ petition No.40771 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to grant the petitioner with Annual increment which fell due on 1.7.2010 by taking into account the services rendered by the petitioner from 1.7.2009 till 30.6.2010 as per the judgment of the Honourable Division Bench in W.A (MD) No.1114 of 2016 and consequently revise the pensionary benefits of the petitioner.

W.P.No.40772 of 2016:

T.D.Alphonsa

... Petitioner

Vs.

- 1.The Secretary to Government
School Education Department
Fort St. George, Chennai.
- 2.The District Elementary Educational Officer
Krishnagiri District
- 3.The Assistant Elementary Educational Officer
Veppanapalli Panchayat Union
Krishnagiri District.
- 4.The District Educational Officer
Krishnagiri District.

... Respondents

Writ petition No.40772 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to grant the petitioner with Annual increment which fell due on 1.10.2012 by taking into account the services rendered by the petitioner from 1.10.2011 till 30.9.2012 as per the judgment of the Honourable Division Bench in W.A (MD) No.1114 of 2016 and consequently revise the pensionary benefits of the petitioner.

For Petitioner : Mrs.Dakshayani Reddy,
in all the writ petitions

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader,
in all the writ petitions

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to grant Annual increment which fell due on 1.10.2010, 1.7.2010 and 1.10.2012 respectively, by taking into account the services rendered by them from 1.10.2008 to 30.9.2009, 1.7.2009 to 30.6.2010 and 1.10.2011 to 30.9.2012 respectively as per the judgment of the Division Bench of this Court made in W.A (MD) No.1114 of 2016 and consequently revise their pensionary benefits.

3. It is the case of the petitioners that they have retired from service on 30.9.2009, 30.6.2010 and 30.9.2012 respectively. The annual increments that are paid to the employees fall due every year 1st October / 1st July. Accordingly, the last increment paid to the petitioners was as on 1.10.2008, 1.7.2009 and 1.10.2011 respectively. The next annual increment was due for the petitioners on 1.10.2009, 1.7.2010 and 1.10.2012 respectively. Since the petitioners retired on the day preceding the date on which the increment fell due, they were not granted with annual increments through they have completed one year of service from 1.10.2008 to 30.9.2009, 1.7.2009 to 30.6.2010 and 1.10.2011 to 30.9.2012 respectively. In this regard, the Government by G.O.Ms.No.311 dated 31.12.2014, clarified that when the date of increment of the Government servants falls due on the day following the superannuation or completion of one full year of service, such service shall be considered for the benefit of notional increment for the purpose of pensionary benefits. In this regard, the petitioners made several representations to the respondents seeking annual increment notionally for the purpose of fixation of pensionary benefits. But, till date, no response is forthcoming. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, 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 petitioners, this Court directs the petitioners to make a fresh / individual representation along with a copy of this order to the respondents 1 and 2 within a period of two weeks from the date

of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2 are directed to consider the same and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014 and also as per the judgment of the Division Bench of this Court made in W.A (MD) No.1114 of 2016 (The Secretary to Government v. G.Nagendran) dated 22.7.2016, within a period of six weeks thereafter. All the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
School Education Department
Fort St. George, Chennai.
- 2.The District Educational Officer
Krishnagiri District.
- 3.The Head Master
Government High School
Periyakotapalli
Krishnagiri District.
- 4.The Head Master
Government Girls High Secondary School
Nedungal Krishnagiri District
- 5.The Assistant Elementary Educational Officer
Veppanapalli Panchayat Union
Krishnagiri District.

+3cc's to Mrs.Dakshayani Reddy, Advocate, S.R.Nos.67458 & 68176

W.P.Nos.40770 to 40772 of 2016

GM I(CO)
CA(16/12/2016)