



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18563 of 2016

G.Murugesan

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road,
Madurai-625 016.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondent to sanction annual increment to the Petitioner for the service rendered by him for the period from 01.05.2013 to 30.04.2014 along with consequential benefits.

For Petitioner : Mr.G.Venkataraman

For Respondent : Mr.A.Jeyaram

ORDER

This Writ of Mandamus has been filed to direct the respondent to sanction annual increment to the petitioner for the service rendered by him for the period from 01.05.2013 to 30.04.2014 along with consequential benefits.

2.The petitioner was appointed as Helper under the respondent corporation on 01.06.1982; he was promoted as Senior Grade Tradesman; he retired from service on 30.04.2014; he was receiving the annual increment on 30th April of every year; his annual increment fell due on 01.05.2014; the respondent orally informed him that since he was not in service on 01.05.2014 on which date his annual increment fell due, he is not entitled to annual increment; he made a representation dated 04.03.2015 to grant annual increment; as that representation was not considered, the petitioner has filed this writ petition.

3.The learned counsel for the petitioner has relied upon a judgment of this Court in **N.S.Rangaswamy vs. Director of High School Education and others**, reported in **2011 Writ L.R 728**, whereunder at paragraph 12, it has been held as follows:-

"12.It is pertinent to note that as far as the Tamil Nadu State is concerned, there is no rule which stipulates that an employee must continue in service for getting the benefit of increment for the services already rendered by him. This Court is of the



considered view that though the petitioner was not in service on the due date for the payment of increment i.e., on 01.01.1996, still he can seek the benefit of payment of increment for the completed period of one year service i.e., from 01.01.1995 to 31.12.1995 even on equitable grounds. Therefore, this Court has no hesitation to hold that the petitioner having rendered the service for one year i.e., from 01.01.1995 to 31.12.1995, his accrued right cannot be denied.''

4. Based on the said judgment, the learned counsel for the petitioner prayed for a direction to the respondents to consider the representation of the petitioner dated 04.03.2015 in the light of the above judgment.

5. The learned Additional Government Pleader appearing for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 04.03.2015 in the light of the judgment in N.S.Rangaswamy's case.

6. Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 04.03.2015 in the light of the judgment in N.S.Rangaswamy's case (supra) and to pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road,
Madurai-625 016.

+1 cc to Mr.G.Venkataraman, Advocate in SR 57373

nbi

anr/km/21.10.2016/2p/3c

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