

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6273 of 2017

R.Anbalagan

... Petitioner

-vs-

1. The Principal Secretary and Commissioner
Department of Economics and Statistics
Chennai 600 006

2. The Deputy Director of Statistics
No.121, Bazaar Street
Dharmapuri 636 702

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.01.2017 in accordance with G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014 to grant notional increment to him.

For Petitioner ::Mrs.C.A.Sharmila

For Respondents::Mr.T.M.Pappiah
Special Government Pleader

ORDER

This writ petition has been filed seeking a limited prayer for issuing a direction to the respondents to consider the representation of the petitioner dated 4.1.2017, on the basis of G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014, to grant notional increment to the petitioner.

2.The claim of the petitioner shows that he was engaged under Rule 10(a)(i) of the Tamil Nadu General Rules (emergency provision) as Statistical Investigator in the Department of Horticulture and Plantation Crops, Chennai on consolidated pay vide the order issued by the Director of Horticulture and Plantation Crops, Dharmapuri dated 17.9.81 along with four others. After twelve years, he was selected as Assistant Statistical Investigator through the Tamil Nadu Public Service

Commission in the Department of Economics and Statistics, Chennai on 10.2.93. After putting in further eleven years of service, on reaching the age of superannuation on 31.12.2014, he retired from service. Fortunately, on the very same date viz., 31.12.2014, the Government also issued G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014 granting notional increment to all the persons including the petitioner. But the respondents, considering the factor that the petitioner retired from service on the date of issuance of the Government Order on 31.12.2014, refused to apply the said Government Order in his favour. In this regard, he has given a representation to the first respondent on 4.1.2017, which has not been considered. Therefore, he is before this Court.

3. Since the prayer falls in a narrow compass seeking a direction to consider the representation, on the basis of G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014, this Court, putting on notice the learned Special Government Pleader for the respondents, hereby directs the first respondent to consider the representation of the petitioner, on the basis of G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Principal Secretary and Commissioner
Department of Economics and Statistics
Chennai 600 006.

2. The Deputy Director of Statistics
No.121, Bazaar Street
Dharmapuri 636 702.

+1cc to M/S.C.A.Sharmila, Advocate SR.16388
+1cc to the Government Pleader Sr.16718

W.P.No.6273 of 2017

nr1[co]
srg 5/4/2017