

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.1269 of 2016

1. The State of Tamil Nadu
rep.by the Secretary to Government
Agriculture Department
Fort St.George
Chennai 600 009
 2. The Commissioner of Agriculture
Chepauk
Chennai 600 005
 3. The Joint Director of Agriculture
Tiruvannamalai ..Appellants/Respondents
- vs-
- J.Saminathan ..Respondent /Petitioner

Appeal under Clause 15 of the Letters Patent, against the order dated 10.09.2014 made in W.P.No.24547 of 2014. Petition filed under Article 226 of the constitution of India to issue a writ of Mandamus directing the respondents to sanction and disburse the regular annual increment for the past services rendered by the petitioner from 1.7.2002 to 30.6.2003 and consequently revise the pension pensionary benefits and their by pay the arrears with the interest to the petitioner as per the time frame fixed by the Honourable Court.

For Appellants :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

For Respondent :: Mr.A.Rajendiran

JUDGMENT

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

The State has filed this writ appeal, aggrieved by the order passed by the learned single Judge in the writ petition, on the ground that when the respondent/writ petitioner had retired from service on 30.6.2003, how he would be entitled for the increment declared on 1.7.2003.

2. Heard the learned Special Government Pleader for the appellants and the learned counsel for the respondent/writ petitioner.

3. By the impugned order, rejecting the contention of the Government, the learned single Judge has allowed the writ petition filed by the respondent herein considering the fact that although the writ petitioner voluntarily retired from service on 30.6.2003, he is entitled to the increment declared on 1.7.2003 for the services rendered by him in the previous year. In fact, the learned single Judge has indicated that "Admittedly, the increment declared on 1.7.2003 was in respect of the services rendered by the writ petitioner for the previous year and therefore he is entitled for the increment declared on 1.7.2003." The learned single Judge has also referred to the judgment of a Division Bench of the Andhra Pradesh High Court in Union of India v. V.R.Malakondiah, 2002 (4) ALT 550, wherein it has been held that the employees are entitled for increment which was declared on the next day of their retirement date that too for the services rendered by them for the previous year.

4. In similar circumstances, this Court also in Writ Appeal No.1230 of 2016 dated 8.6.2017 (State of Tamil Nadu represented by the Secretary to Government and others v. N.Ramasamy) has taken a similar view that when it is not in dispute that the Government servant had rendered one year of service prior to his date of retirement either on superannuation or on voluntary retirement, then there is no question of denial of increment accrued to him for the services rendered by him in the previous year.

5. In that view of the matter, we do not find any merit in the appeal. Accordingly, the writ appeal is dismissed confirming the order of the learned single Judge. Consequently, C.M.P.Nos.16478 & 16479 of 2016 are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
Agriculture Department
Fort St.George
Chennai 600 009

2. The Commissioner of Agriculture
Chepauk
Chennai 600 005

3. The Joint Director of Agriculture
Tiruvannamalai

+ 1 cc to Mr. A. Rajendiran, Advocate Sr.56089
+ 1 cc to the Government Pleader Sr.56409

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VD(CO)
EU 30.08.17



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