

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.36386 to 36395; 36799 to 36808;
37417 to 37245; 37439; 37199 to 37208;
37853 to 37862; 38337 to 38345; 38285 to 38294;
38587 to 38596; 39037 to 39043 of 2016 &
6484 of 2015 & 24974, 33668 to 33670 of 2016 &
4608 to 4611 of 2016 AND
connected Miscellaneous Petitions

- 1 P.SUBRAMANIYAN PETITIONER in WP No.36386 of 2016
- 1 K.PALANISAMY PETITIONER in WP No.36387 of 2016
- 1 S.LAKSHMI NARASIMHAN PETITIONER in WP No.36388 of 2016
- 1 C.V.ARUMUGAM PETITIONER in WP No.36389 of 2016
- 1 N.DEIVA SIGAMANI PETITIONER in WP No.36390 of 2016
- 1 M.MARTHANDAN PETITIONER in WP No.36391 of 2016
- 1 V.BOOPARAHAMMOORTHY PETITIONER in WP No.36392 of 2016
- 1 R.ARJUNAN PETITIONER in WP No.36393 of 2016
- 1 S.JAYAKUMARI PETITIONER in WP No.36394 of 2016

1 R.JAGANATHAN ... PETITIONER in WP No.36395 of 2016

1 C.GOVINDASAMY ... PETITIONER in WP No.36799 of
2016

1 M.SANTHAPPAN ... PETITIONER in WP No.36800 of 2016

1 M.THANGARAJU ... PETITIONER in WP No.36801 of 2016

1 S.SUBRAMANIAN ... PETITIONER in WP No.36802 of 2016

1 M.SUBRAMANIYAN ... PETITIONER in WP No.36803 of 2016

1 P.ARUNACHALAM ... PETITIONER in WP No.36804 of 2016

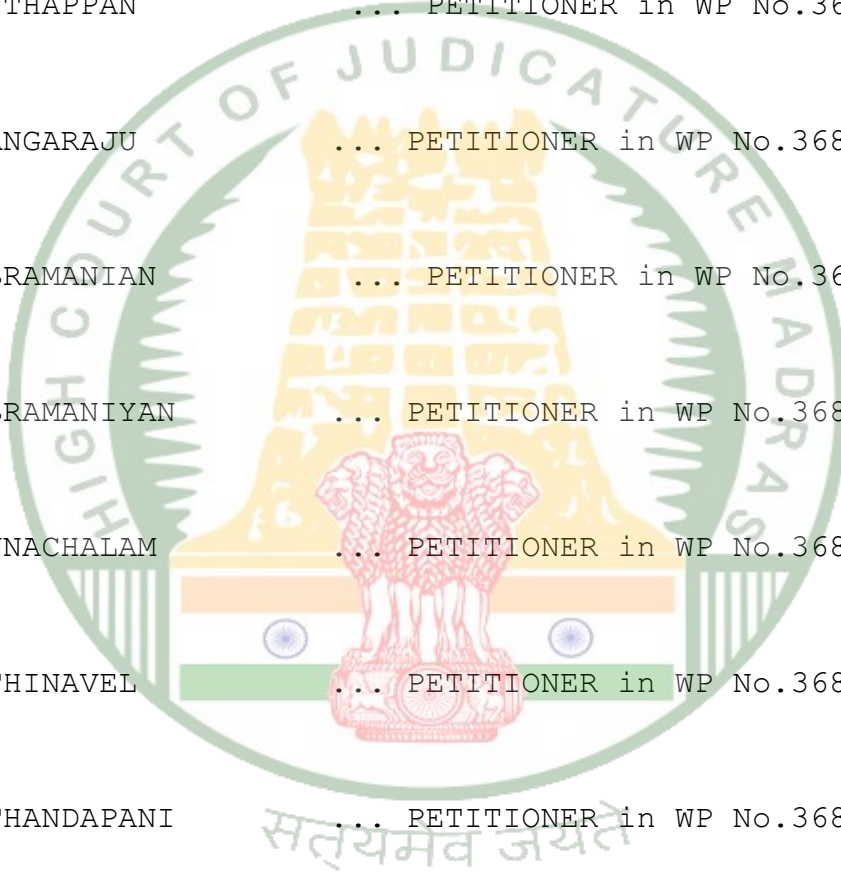
1 R.RATHINAVEL ... PETITIONER in WP No.36805 of 2016

1 C.KOTHANDAPANI ... PETITIONER in WP No.36806 of 2016

1 K.PONRAMAN ... PETITIONER in WP No.36807 of 2016

1 V.RAMASAMY ... PETITIONER in WP No.36808 of 2016

1 M.SUBRAMANIAN ... PETITIONER in WP No.37417 of 2016



WEB COPY

1 N.KALIMUTHU ... PETITIONER in WP No.37418 of 2016

1 R.THIRUVENGADAM ... PETITIONER in WP No.37419 of 2016

1 A.VANITHA ... PETITIONER in WP No.37420 of 2016

1 R.RAJAMANI ... PETITIONER in WP No.37421 of 2016

1 A.RAJAMANICKAM ... PETITIONER in WP No.37422 of 2016

1 G.JEYARAMAN ... PETITIONER in WP No.37423 of 2016

1 A.KANNAIYAN ... PETITIONER in WP No.37424 of 2016

1 E.C.PACHAIAPPA ... PETITIONER in WP No.37425 of 2016

1 K.RAMALINGAM ... PETITIONER in WP No.37439 of 2016

1 S.RENGASAMY ... PETITIONER in WP No.37199 of 2016

1 M.R.SAROJINI ... PETITIONER in WP No.37200 of 2016

1 K.SAKKUBAI ... PETITIONER in WP No.37201 of 2016

1 K.KRISHNAVANI ... PETITIONER in WP No.37202 of 2016

1 L.RATHINASWAMY ... PETITIONER in WP No.37203 of 2016

1 G.SUBBARAYALU ... PETITIONER in WP No.37204 of 2016

1 N.SELVARAJ ... PETITIONER in WP No.37205 of 2016

1 M.VALLIYAMMAL ... PETITIONER in WP No.37206 of 2016

1 M.MARAPPAN ... PETITIONER in WP No.37207 of 2016

1 A.VEERABATHIRAN ... PETITIONER in WP No.37208 of 2016

1 S.JOSEPH ... PETITIONER in WP No.37853 of 2016

1 S.DHANALASHMI ... PETITIONER in WP No.37854 of 2016

1 A.RAMASAMY ... PETITIONER in WP No.37855 of 2016

1 S.CHINNAPPAN ... PETITIONER in WP No.37856 of 2016

1 L.KUMARESAN ... PETITIONER in WP No.37857 of 2016

1 C.SUBRAMANIAN ... PETITIONER in WP No.37858 of 2016

1 T.J.FRANCIS XAVIER ... PETITIONER in WP No.37859 of 2016

1 M.SUBRAMANIAN ... PETITIONER in WP No.37860 of 2016

1 P.KUMARAVELU ... PETITIONER in WP No.37861 of 2016

1 K.SHANMUGAVEL ... PETITIONER in WP No.37862 of 2016

1 S.JANAKIRAMAN ... PETITIONER in WP No.38337 of 2016

1 G.RANGASWAMY ... PETITIONER in WP No.38338 of 2016

1 R.DHANANJAYAN ... PETITIONER in WP No.38339 of 2016

1 V.RAMASAMY ... PETITIONER in WP No.38340 of 2016

1 K.PERUMAL ... PETITIONER in WP No.38341 of 2016

1 M.ALPHONSEMARY ... PETITIONER in WP No.38342 of 2016

1 A.RANGANATHAN ... PETITIONER in WP No.38343 of 2016

1 K.PANEERSELVAM ... PETITIONER in WP No.38344 of 2016

1 V.CHIDAMBARAM ... PETITIONER in WP No.38345 of 2016

1 N.V.RAMASAMY ... PETITIONER in WP No.38285 of 2016

1 K.BOOMINATHAN ... PETITIONER in WP No.38286 of 2016

1 M.SOUNDESWARI ... PETITIONER in WP No.38287 of 2016

1 A.R.ADIKESAVAN ... PETITIONER in WP No.38288 of 2016

1 K.SARADA ... PETITIONER in WP No.38289 of 2016

1 K.KESAVAN ... PETITIONER in WP No.38290 of 2016

1 M.RADHAKRISHNAN ... PETITIONER in WP No.38291 of 2016

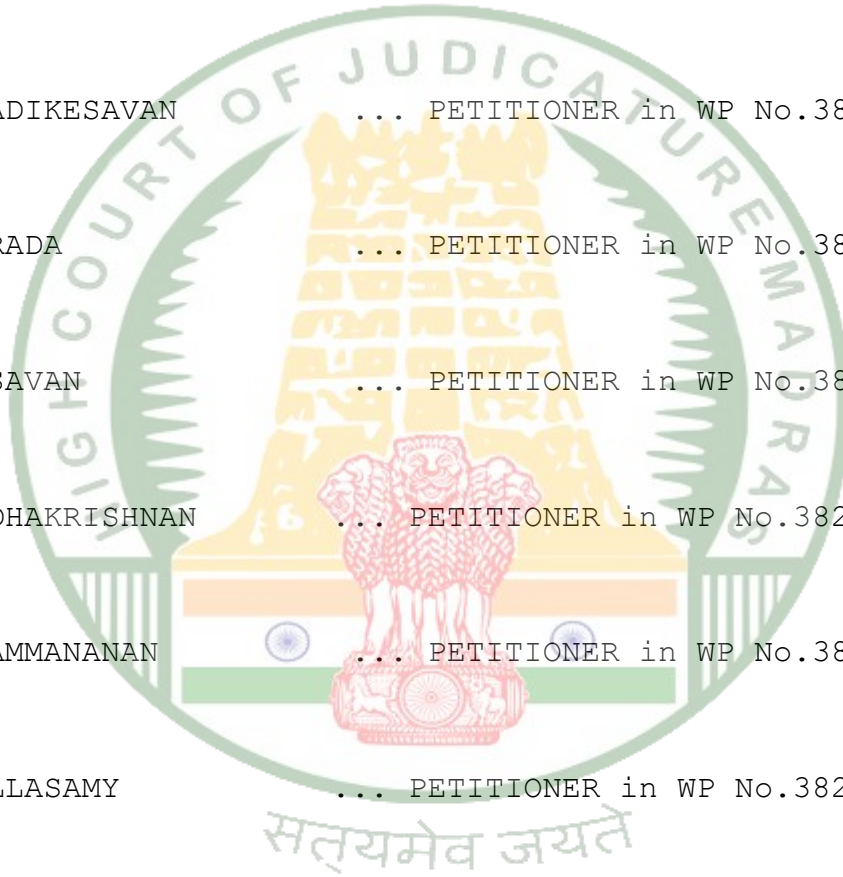
1 P.THAMMANANAN ... PETITIONER in WP No.38292 of 2016

1 N.SELLASAMY ... PETITIONER in WP No.38293 of 2016

1 P.SIVARAMU ... PETITIONER in WP No.38294 of 2016

1 M.PERIYASAMY ... PETITIONER in WP No.38587 of 2016

1 C.POOVATHAI ... PETITIONER in WP No.38588 of 2016



WEB COPY

1 S.JAYARAMAN ... PETITIONER in WP No.38589 of 2016

1 K.MANICKAM ... PETITIONER in WP No.38590 of 2016

1 P.MUTHUSAMY ... PETITIONER in WP No.38591 of 2016

1 D.VENKATESAN ... PETITIONER in WP No.38592 of 2016

1 K.SUBRAMANIAN ... PETITIONER in WP No.38593 of 2016

1 A.GNANASEKARAN ... PETITIONER in WP No.38594 of 2016

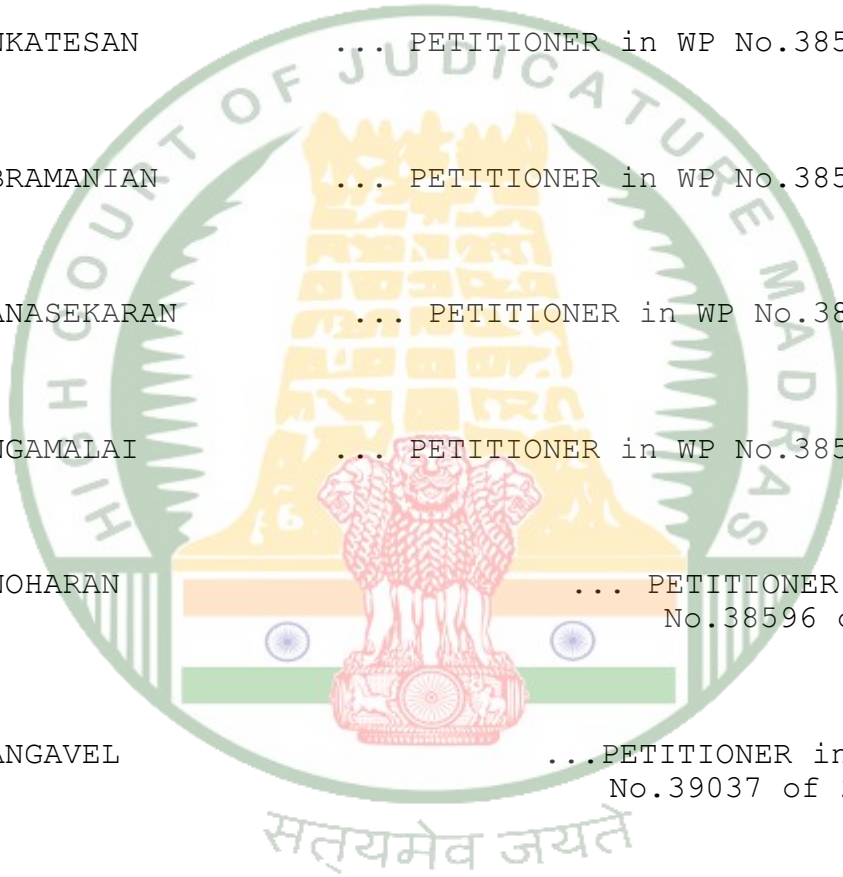
1 P.SENGAMALAI ... PETITIONER in WP No.38595 of 2016

1 V.MANOCHARAN ... PETITIONER in WP
No.38596 of 2016

1 R.THANGAVEL ...PETITIONER in WP
No.39037 of 2016

1 P.DHARMARAJ RETD SEC.GRADE ...PETITIONER in WP
No.39038 of 2016

1 P.RAJAMMAL RETD. SEC.GRADE ... PETITIONER in WP
No.39039 of 2016



WEB COPY

T.PASUPATHY RETD.SEC. GRADE .. PETITIONER in WP No.39040 of 2016

1 R.KUPPULAKSHMI RETD. SEC. ... PETITIONER in WP
No.39041 of 2016

1 C.MURUGESAN RETD. SEC.GRADE ... PETITIONER in WP
No.39042 of 2016

T.ABOOARVAM RETD. SEC. GRADE... PETITIONER in WP No.39043 of
2016

1 DR. P.V.BOSE PETITIONER in WP No.6486 of 2015

1 R.RAMAKRISHNAN PETITIONER in WP No.24974 of 2016

1 K.SRINIVASAN PETITIONER in WP No.33668 of 2016

1 K.RANGAIYAN PETITIONER in WP No.33669 of 2016

1 R.CHENDAMARAIAKKANNAN PETITIONER in WP No.33670 of 2016

1 A.RAMACHANDRAN ... PETITIONER in WP No.4608 of 2016

1 C.R.MOORTHY ... PETITIONER in WP No.4609 of 2016

1 P.PARTHASARATHY ... PETITIONER in WP No.4610 of 2016

1 V.DEIVASIGAMANI ... PETITIONER in WP No.4611 of 2016

Vs

1.The Government of Tamil Nadu
rep by Principal Secretary to Government
Finance (CMPC) Department Secretariat
Chennai-9

...1st Respondent in
WP.Nos.36836/16 to 36895/16
36799/16 to 36808/16
WP.No.37417/16 to 37425/16
37439/16, 37199/16 to
37208/16, 37853/16 to
37862/16, 38337/16 to
38345/16, 38285/16 to
38294/16 38587/16 to
38596/16 and 39037 to
39043/16

2.The Government of Tamil Nadu
rep by Secretary to Government
School Education department
Secretariat Chennai

...2nd Respondent in
WP.No.36836/16 to 36895/16
36799/16 to 36808/16,
37417/16 to 37425/16,
37439/16, 37199/16 to
37208/16, 37853/16 to
37862/16, 38337/16 to
38345/16, 38285/16 to
38294/16 38588/16 to 38596/16
and 39037/16 to 39043/16

3.The Director of School Education
Nungambakkam Chennai

...3rd Respondent in
WP.No.36388/16, 36389,36393
36395,36799, 36800, 36802
36805, 36807, 36808,37417
37418, 37419, 37439,37202
37206, 37207, 37208, 37853
37854, 37855, 37856, 37857
37858, 37859. 37860,37862
38285, 38286,38287, 38288
38289, 38290,38291,38292
38293, 38294 38590, 38593
38594, 38595,39037,39038
39039,39040 39041 and 39043/16

4.The Assistant Elementary
Education Officer Thirunavalur
Villupuram District

...4th Respondent in WP.36386/16
36806/16, 37200/16, 38330/16
38339/16, 38340/16 and
38290/16

5.The Director of Elementary Education
Nungambakkam Chennai

...3rd Respondent in WP.36386,
36387,36390,36391,36392 36394
36801, 36803,36804, 36806, 37420
37421 37422, 37423, 37424, 37425
37199, 37200,37201 37203 37204
37205, 37861, 38337 38338 38339
38340 38341 38342 38343 38344
38345 38591 38592 38596 and 39042/16

6.The Headmaster
Panchayat Union Primary School
Thoppampatti
Thiruppur

...4th Respondent in WP.36387/16

7.The Chief Educational Officer
Saidapet Chennai

...4th Respondent in WP.36388/16

8.The Head Master
Govt Aided School
Chinathagampoondi
Villupuram District

...4th respondent in WP.36839/16
and 36395/16

9.The Assistant Elementary
Educational Officer
Panchayat Union Elementary School
T.Orathur Tirunavalur Block
Villupuram District

...4th Respondent in WP.36390/16

10.The Assistant Elementary
Educational Officer
Ulundurpet
Villupuram District

...4th Respondent in WP.36391/16
37204/16 and WP.38588/16

11.The Assistant Elementary
Educational Officer
Thirunavalur Block
Villupuram

...4th respondent in WP.36392/16
and 38345/16

12.The Headmaster
Government Higher Secondary
School, Veppanthattai
Perambalur

...4th respondent in WP36393/16

13.The Headmaster
Panchayat Union Middle School
Tindivanam Taluk
villupuram

...4th Respondent in WP.36394/16

14.The Headmaster
Government Higher Secondary school
Keezhapuliur
Perambalur

...4th Respondent in WP.36799/16

15.The Headmaster
Govt Boys Hr School
Metturdam
Salem

...4th Respondent in WP.36800/16

16 The Assistant Elementary
Educational Officer
Thirunavalur Union
Villupuram District

...4th Respondent in WP.36801/16

17.The Chief Educational
Officer, Villupuram

...4th Respondent in WP.36802/16

18.The Assistant Elementary Education
Officer, Panchayat Union Elementary School
Sendanadu Thirunavalur Block Villupuram District

...4th Respondent in WP.36803/16

19.The Assistant Elementary
Educational Officer
Tiruvannamalai

...4th Respondent in WP.36804/16
WP.37423/16,37201/16 and 37205/16

20.The Headmaster
Govt Girls Hrs School
Singarapettai
Krishnagiri District

...4th Respondent in WP.36805/16

21.The Headmaster
Panchayat union Middle
School Pollachi Taluk
Coimbatore District

...4th Respondent in WP.36807/16

22.The Headmaster
Govt Hrs.Sec.School
Kunnam Taluk,
Perambalur District ...4th Respondent in WP.36808/17

23.The Chief Educational Officer
Perambalur Perambalur District ...4th respondent in WP.37417/16

24.The headmaster
Govt Boys Hr.School
Attur Taluk
Salem District ...4th Respondent in WP.37418/16

25.The Headmaster
Panchayat Union Elementary School
Ayyampalayam
Thiruvannamalai ...4th Respondent in WP.37419/16

26.The Headmaster
Panchayat Union Middle School
Pruvalur ...4th Respondent in WP.37430/17

27.The Head Master
Panchayat Union Elementary School
Tindivanam Villupuram ...4th Respondent in WP.37421/16

28.The Head Master
M.G.R.Aided Primary School
Tholeesvarapuram (Post)
Perambalur District ...4th Respondent in WP.37423/16

29.The Assistant Elementary
Educational Officer
Panchayat Union elementary School
Kokkankadu Tirunavalur Block
Villupuram ...4th Respondent in WP.37424/16

30.The Headmaster
Govt Hr.Sec.School
Devanur Villupuram ...4th respondent in WP.37425/16

31.The Headmaster
Govt Higher Secondary School
Guruvankuppam
Cuddalore District ...4th Respondent in WP.37439/16

WEB COPY

32.The Headmaster
Thanthai Roever Middle
School, Elambalur
Perambalur

...4th Respondent in WP.37199/16

33.The Headmaster
Govt Hr.Sec.School
Pannapatti Salem

...4th respondent in WP.37202/16

34.The Headmaster
T.E.L.C.Middle School
40 KEMPS Town
Perambalur District

...4th Respondent in WP.37203/16

35.The Headmaster
Panchayat Union Elementary School
Perambalur District
Perambalur

...4th Respondent in WP.37206/16

36.The HeadMaster
Govt Higher School
Ulipuram Gangavalli
Salem District

...4th Respondent in WP.37207/16

37.The Headmaster
St.Pauls Hr.Secondary School
Salem Salem District

...4th Respondent in WP.No.37583/16
and 37859/16

38.The Headmaster
Govt Hr.Sec.School
Metturdam Salem

...4th Respondent in WP.37854/16

39.The Headmaster
Govt Higher Secondary School
Thuraimangalam
Perambalur District

...4th respondent in WP37855/16

WEB COPY

40.The Headmaster
Little Flower Hr.Sec.School
Salem, Salem District

...4th Respondent in WP 37856/16

41.The Headmaster
Govt Hr.Sec.School
Muthunaickanpatti
Omalar Salem District

...4th Respondent in WP.37857/16

42.The Headmaster
Panchayat Union Middle
School, Kalathampattu
Melmalaiyanur
Villupuram

...4th Respondent in WP.37858/16

43.The Headmaster
Govt Hr.Sec.School
Thiruvannamalai
Thiruvannamalai District

...4th respondent in WP.37860/16

44.The Assistant Elementary
Educational Officer
Thirmiri Arcot
Vellore

...4th Respondent in WP.37861/16
38291/16

45.The Headmaster
Govt Hr.Sec.School
Thanthaonimalai
Karur District

...4th Respondent in WP.37862/16

46.The District Elementary
Educational Officer
Thiruvannamalai
Thiruvannamalai District

...4th respondent in WP.38337/16

47.The Assistant Elementary
Officer, Ulundurpet
Villupuram District

...4th Respondent in WP.38341/16

48.The Assistant Elementary
Educational Officer
Kizpennathur
Thiruvannamalai

...4th Respondent in WP.38342/16

49.The Chief Educational Officer

Thiruvannamalai Thiruvannamalai District ...4th Respondent in
WP.38343/16,38594/16

WEB COPY

50.The Headmaster
Govt Boys Hrs.Sec.school
Vannivedu, Walaja
Vellore District

...4th Respondent in WP.38344/16

51.The Headmaster
Govt Higher Secondary School

veppur Kunnam Taluk
Perambalur

...4th Respondent in WP.38285/16

52.The Headmaster
Govt Hr.Secondary School
Thanthonimalai
Karur

...4th Respondent in WP.38286/16

53.The Assistant Elementary
Educational Officer
Thandrapattu
Thiruvannamalai District

...4th respondent in WP.38287/16

54.The Head Master
Panchayat Union Middle School
Mupathuvetti
Vellore

...4th Respondent in WP.38288/16

55.The Assistant Elementary
Educational officer
Thiruvannamalai

...4th Respondent in WP.38289/16

56.The Headmaster
Govt Boys Hrs.Sec School
Kunnam Perambalur

...4th Respondent in WP.38293/16

57.The Headmaster
Govt.High School
Valikandapuram
Perambalur

...4th respondent in WP.38294/16

58.The Govt of TamilNadu
rep by Secretary to Government
Adi Dravidar Welfare department,
Secretariat Chennai

...1st Respondent in WP.4608/16 to
4611/16

59.The Director of Adi-Dravidar
Welfare Chepauk, Chennai-3

...2nd Respondent in WP.38587/16
4608/16 to 4611/16

60.The Headmaster
Govt ADW High School
Alambady Perambalur
Perambalur District

...4th Respondent in WP.38587/16

61.The Assistant Elementary
Educational Officer

Panchayat Union Elementary School
KaruveppilaiPalayam
Tirunavalur Block
Villupuram District

...4th Respondent in WP.38589/16

62.The Headmaster
Govt Hr.Sec.School
Vanavasi Salem

...4th Respondent in WP.38590/16

63.The Assistant Elementary
Educational Officer
Pappaireddypatti
Dharmapuri

...4th Respondent in WP.38591/16

64.The Headmaster
Panchayat Union Elementary School
Timiri, Vellore Dsitric

...4th Respondent in WP.38592/16

65.Thje Headmaster
Panchayat Union Middle School
Thoppanpatti,Thiruvannamalai District..4th Respondent in
WP.No.38593/16

66.The Headmaster
Panchayat Union Primary School,
Nallur Veppur Union Kunnam Taluk
Perambalur

...4th Respondent in
WP.38595/16

67.The Assistant Elementary
Educational Officer
Pollachi South Coimbatore

...4th Respondent in wP.38596/16

68.The headmaster
Govt High School
Ayakudi Dindigul

...4th Respondent in WP.39037/16

WEB COPY

69.The Headmaster
Govt High School
Manur Dindigul

...4th Respondent in WP.39038/16

70.The Headmaster
Municipal Hr.Sec.School
Palani Dindigul

...4th respondent in WP.39039/16

71.The Headmaster
Govt Girls Hr.Secondary School,
Palani Dindigul ...4th Respondent in WP.39040/16
39041/16 and WP.39043/16

72.The Headmaster
panchayat Union Elementary school
Balasamutharam, Palani Dindigul ...4th Respondent in WP.39042/16

73.The State of Tamil Nadu
rep by its Secretary to Govt
Rural Development and
Panchayat raj Department
Fort St.George Chennai-9 ...1st Respondent in WP.24974/16
and 33668/16 to 33670/16

74.The Director
Commissionerate of Rural Development and
Panchayat raj Panagal Building Chennai-15
...2nd Respondent in WP.24974/16
and 33668/16 to 33670/16

75.The District Collector
Kancheepuram District
Kancheepuram ...3rd Respondent in WP.24974/16

76.The District Collector
Thiruvallur District
Thiruvallur ...3rd Respondent in WP.33668/16
to 33670/16

77.The District Adi Dravidar Welfare
Officer Vellore Vellore District ...3rd Respondent in
WP.4608/16 to 4617/16

78.The Special Tahsildar
Adi Dravidar Welfare
Vellore, Vellore District ...4th Respondent in
WP.4608/16 to WP.4611/16

79.S.Mariamichael
S/o.Sowrimuthu ...Petitioner in Wp.6484/15

Common Prayer in WP.Nos.36386 to 36395,36799 to 36808; 37417 to
37425, 37439, 37199 to 37208, 37853 to 37862, 38337 to 38345,
38285 to 38294, 38587 to 38596 and 39037 to 39043

These Writ Petitions are filed under Article 226 of the Constitution of India, praying to issuance of a Writ of Mandamus

WP.No.36386 of 2016:calling for the records on the file of the 1st respondent relating to G.O.Ms. No. 311 Finance (CMPC) Department dt 31.12.2014 and quash the same in so far as in giving prospective effect of the said G.O. as mentioned in para 3 and consequently direct the respondents to grant annual increment notionally to the petitioner which falls due on the next date of superannuation for the purpose of pensionary benefits and accordingly revise the pensionary benefits of the petitioner

Prayer in WP.No.24974 of 2016:Calling for the entire records relating to the proceedings in Rc.No.643/2016/PA3 dated 07.04.2016 on the file of the 3rd respondent herein and quash the same and consequently direct the respondents herein to forthwith sanction one annual increment due to the petitioner herein for the period 01.10.1990 to 30.09.1991 and accordingly re-fix his last drawn salary and pay revised pension and arrears of difference in pension and other retirement benefits with due interest to the petitioner

WP.No.33668 of 2016:
directing the respondents herein to forthwith sanction one annual increment due to the petitioner herein for the period 1.7.2002 to 30.6.2003 and accordingly re-fix his last drawn salary in the post of Assistant Director and pay revised pension and arrears of difference in pension and other retirement benefits with due interest to the petitioner.

WP.No.33669 of 2016:
directing the respondents herein to forthwith sanction one annual increment due to the petitioner herein for the period 1.10.2006 to 30.9.2007 and accordingly re-fix his last drawn salary and pay revised pension and arrears of difference in pension and other retirement benefits with due interest to the petitioner herein in accordance with law.

WP.No.33670 of 2016:directing the respondents herein to forthwith sanction one annual increment due to the petitioner herein for the period 1.7.2005 to 30.6.2006 and accordingly re-fix his last drawn salary and pay revised pension and arrears of difference in pension and other retirement benefits with due interest to the petitioner herein in accordance with law

WP.No.4608 of 2016:directing the respondents to sanction and release the annual increment which was due and payable to the

petitioner on 1.1.2009 for the period of service rendered by him from 1.1.2008 to 31.12.2008 with all consequential benefits including pensionary benefits by treating his date of retirement as 1.1.2009 in the light of the decision rendered by this Court on 3.8.2011 in WP No. 15928 of 2010 Order dt 3.8.2011 in WP No.8440 of 2011 Judgment passed by the Division Bench of this Court in W.A. No.1940 of 2012 and the order passed by the Honourable Supreme Court on 16.7.2013 in SLP (Civil) No.21951 of 2013

WP.No.4610 of 2016:

directing the respondents to sanction and release the annual increment which was due and payable to the petitioner on 1.7.2013 for the period of service rendered by him from 1.7.2012 to 30.6.2013 with all consequential benefits including pensionary benefits by treating his date of retirement as 1.7.2013 in the light of the decision rendered by this Court on 3.8.2011 in WP No. 15928 of 2010 Order dt 3.8.2011 in WP No.8440 of 2011 Judgment passed by the Division Bench of this Court in W.A. No.1940 of 2012 and the order passed by the Honourable Supreme Court on 16.7.2013 in SLP (Civil) No.21951 of 2013

WP.No.4611 of 2016:directing the respondents to sanction and release the annual increment which was due and payable to the petitioner on 1.7.2013 for the period of service rendered by him from 1.7.2012 to 30.6.2013 with all consequential benefits including pensionary benefits by treating his date of retirement as 1.7.2013 in the light of the decision rendered by this Court on 3.8.2011 in WP No. 15928 of 2010 Order dt 3.8.2011 in WP No.8440 of 2011 Judgment passed by the Division Bench of this Court in W.A. No.1940 of 2012 and the order passed by the Honourable Supreme Court on 16.7.2013 in SLP (Civil) No.21951 of 2013 within a time limit that may be stipulated by this Honourable Court and pass further suitable orders

Prayer in WP.No.6484/2015:Calling for the records pertaining to the impugned order of the 3rd respondent passed in Na.Ka. No.83653/ C4/E2/2014 dated 16.12.2014 quash the same and further direct the respondents to grant Annual Increment for the period from 1.10.2000 to 30.9.201 and to re-fix the pensionary benefits with arrears and interest within a time frame

For Petitioners in WP.36386 to 36395/16
36799 to 36808/16 37199 to 37208/16
37417 to 37425/16, 37439/16, 37853 to 37862/16
38337 to 38345/16 38285 to 38294/16
38587 to 38596/16, 39037 to 39043/16 ...Mr.A.R.Suresh for
M/s.V.Thirupathi

For Petitioner in WP.6484/15 : Mr.A.Mohammed Ismail
WP.24974/16 and 33668 to 33670/16 ..Mr.V.R.Rajasekaran

For Petitioner in WP.4608 to 4611/16:Mr.S.Mani

For Respondents in WP.36386 to 36395/16
36799 to 36808/16, 37417 to 37425/16
37439/16 24974/16 33668 to 33670/16
4608 to 4611/16 ...Mr.S.Gunasekaran AGP

For Respondents in WP.37199 to 37208/16
and WP.37853 to 37862/16
for R1 to R3 and WP.38337 to 38345/16...Mr.K.Thananjayan Spl GP

For Respondents in WP.38285 to
38294/16 and 38587 to 38596/16 ...Mr.M.Perumal
Government Advocate

For Respondents in WP.39037 to 39043/16:Mr.C.C.Rangarajan GA

For Respondents in WP.6484/15:Mr.T.H.Iniyan GA

For Respondents 4th in
WP.No.37853 to 37862/16 : Mr.Godsonswaminath for
M/s.Isaac Chambers

C O M M O N O R D E R

In all these batch of Writ Petitions, the common relief is sought for to quash G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014, in respect of grant of annual increment.

2.The learned counsel appearing for the writ petitioners contended that the grant of annual increment was adjudicated before this Court as well as before the Hon'ble Supreme Court. After adjudication of this issue, the Government accepted the legal proposition and referred the matter to the Pay Grievance Redressal Cell constituted by the Government on 10th April 2012 in G.O.Ms.No.123, Finance Department. The Pay Grievance Redressal Cell has recommended that "when the date of increment

of a Government Servant falls due on the day following superannuation on completion of one full year of service, such service may be considered for the benefit of a notional increment purely for the purpose of pensionary benefits and not for any other purpose. Such concession may be made applicable prospectively."

3. Accepting the recommendations made by the Pay Grievance Redressal Cell, the Government issued G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014. In the said G.O., the Government in paragraph Nos. 3 & 4, has ordered as follows:

"3. After careful consideration, the Government have decided to accept the above recommendation of Pay Grievance Redressal Cell. Accordingly, the Government direct that a Government Servant whose increment falls due on the day following superannuation, on completion of one full year of service which are countable for increment under Fundamental Rule 26, be sanctioned with one notional increment at the rate as described under rule 6 of Tamil Nadu Revised Scales of Pay Rules, 2009, purely for the purpose of pensionary benefits and not for any other purpose. The above concession of sanction of notional increment shall take prospective effect from the date of issue of this order.

4. Necessary amendment to the Fundamental Rules shall be issued by Personnel and Administrative Reforms Department separately."

4. The learned counsel appearing for the petitioners contended that the rights of the writ petitioners for annual increment is accepted and ensured by the Government in G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014.

5. When the grant of annual increment is ensured by the Government, such a concession cannot be denied to the pensioners who retired prior to 31.12.2014. Further, it is stated that the G.O., does not fix any cut-off date of retirement and as per the G.O., all the State Pensioners who fall in this category are eligible to get their respective annual increments, in the event of fulfilling the conditions stipulated in the said G.O.Ms.No.311.

6. In the absence of any cut-off date in G.O.Ms.No.311, all the pensioners are to be treated as homogeneous class and who ever falls in the category of serving one year and retiring next date of the crucial date for grant of annual increment are entitled for the benefits notionally with effect from the date of retirement and the actual benefits to be paid prospectively from the date of issue of G.O.Ms.No.311 dated 31.12.2014.

7. The learned counsel further taken this Court to paragraph

No.8 of the counter affidavit filed by the respondents in W.P.No.36387 of 2016, which reads as follows:

"8.It is submitted that in Government Letter No.5085/CMPC/2015-1, Finance Department, Dated 01.06.2015, it has been clarified that the benefit ordered in G.O.Ms.No.311, Finance (CMPC) Department, Dated 03.12.2014, shall be taken into account for calculating the terminal leave salary as the same is also a retirement benefit. Further, it is submitted that in continuation of the above clarification in Government Letter No.52367/CMPC/2015-1, Finance Department dated 21.09.2015, it has been clarified that the benefit of notional increment sanctioned in the G.O.Ms.No.311 Finance (CMPC) Department, Dated 31.12.2014, shall take prospective effect from the date of issue of the order i.e. 31.12.2014 only and the employees whose increment falls due on completing one year of service on the day following superannuation and retired prior to 31.12.2014 are not entitled for the benefit of sanction of notional increment for the purpose of pensionary benefits."

8.Though the last line of the counter states that the persons retired prior to 31.12.2014, are not entitled for the benefit of sanction of notional increment for the purpose of pensionary benefits, the same is not supported by the Government Order issued in G.O.Ms.No.311. What is not contemplated in G.O.Ms.No.311, cannot be substituted by the respondents through their counter affidavit. Going by the spirit of G.O.Ms.No.311, it is clear that prospective effect can be given only for the purpose of disbursing the monetary benefits and in respect of the eligibility, there is no cut-off date prescribed in the said Government Order. This Court is of the firm view that counter-affidavit cannot improve the contents of the Government Order issued in G.O.Ms.No.311, since no cut-off date or otherwise is contemplated in the said Government Order. Thus, the respondents cannot substitute by prescribing that the persons retired prior to 31.12.2014, are not entitled for the benefit of sanction of notional increment.

9.The very sanction of increment was granted in accordance with the Fundamental Rules. Once the benefit is granted based on the Fundamental Rules, the increment granted to employees retired after 31.12.2014, cannot be denied to employees retired prior to 31.12.2014. This apart, the date of 31.12.2014, is only an acceptance of the grant of increment to the employees in G.O.Ms.No.311. Thus, there is no sanctity or relevance in respect of adopting the date of 31.12.2014, with regard to the eligibility of employees to draw their increment otherwise in accordance with the Fundamental Rules.

10.The very concept of increment is that on completion of one year of satisfactory service, an employee is eligible to draw the increment. Such being the concept, the date of retirement, as stated in the counter i.e., 31.12.2014, has no nexus or object sought to be achieved. Since such a date is not contemplated in the Government Order, the statement made in the counter, cannot be considered by this Court. Accordingly, all the employees, who retired prior or after 31.12.2014, are eligible to draw their notional increment for the purpose of pensionary benefits and the disbursement of monetary benefit shall be given only with effect from 31.12.2014.

11.Thus, the writ petitioner's claim for grant of annual increments notionally with effect from the date of retirement and actual monetary benefits with effect from the date of G.O.Ms.No.311, is justifiable. Nowhere in the counter statement, more specifically in paragraph No.8, the Government did not deny the benefit to the State pensioners. Contrarily, it is stated that some officials of the Department were restricting the claim by wrongly interpreting G.O.Ms.No.311, as if it is applicable only to the employees who retired after 31.12.2014, which is incorrect.

12.The purport of the G.O., is to grant benefits in accordance with the Fundamental Rules and the Government in G.O.Ms.No.311, further issued directions to carry out necessary amendment to the Fundamental Rules in this regard. Such being the factum of the case, the claim with regard to the grant of annual increments for the retirees prior to and after G.O.Ms.No.311 dated 31.12.2014, is to be affirmed by the State.

13.The learned Additional Government Pleader also fairly submitted that there is no cut-off date fixed in G.O.Ms.No.311. The Government has already extended the benefit of annual increment as interpreted by the Pay Grievance Redressal Cell and the recommendation of the Redressal Cell was also accepted by the Government and G.O.Ms.No.311 was issued. Thus, the eligibility of the writ petitioners in respect of the annual increments cannot be denied. Further, the date of retirement is not prescribed as a cut-off date in the G.O., regarding eligibility.

14.The learned Additional Government Pleader further contended that based on G.O.Ms.No.311 dated 31.12.2014, the writ petitioners are eligible in the event of fulfilling the conditions stipulated in G.O.Ms.No.311. However, the eligibility of the respective writ petitioners are to be found based on their service records and the particulars therein.

15. In this view of the matter, the claim set out in these writ petitioners deserve consideration. Quashing of G.O.Ms.No.311 does not arise at all, in view of the fact that there no cut-off date is fixed in the said G.O. and only monetary benefits alone is directed to be paid prospectively, with effect from 31.12.2014, i.e. the date of the G.O.

16. Accordingly, all the writ petitioners who are falling in the category as stipulated in G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014, are eligible to get their annual increments, notionally with effect from the date of retirement and the monetary benefits will be granted with effect from 31.12.2014, the date of G.O.Ms.No.311 Finance (CMPC) Department. With this clarification, the respondents and the competent authorities are directed to implement G.O.Ms.No.311 Finance (CMPC) Department dated 31.12.2014, by granting the benefit of annual increments, by verifying the respective Service Records of the writ petitioners and pay the monetary benefits prospectively with effect from 31.12.2014.

With this direction, the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

rpa

To

1. The Government of Tamil Nadu
rep by Principal Secretary to Government
Finance (CMPC) Department Secretariat
Chennai-9

WEB COPY

2.The Government of Tamil Nadu
rep by Secretary to Government
School Education department
Secretariat Chennai

3.The Director of School Education
Nungambakkam Chennai

4.The Assistant Elementary
Education Officer Thirunavalur
Villupuram District

5.The Director of Elementary Education
Nungambakkam Chennai

6.The Headmaster
Panchayat Union Primary School
Thoppampatti
Thiruppur

7.The Chief Educational Officer
Saidapet Chennai

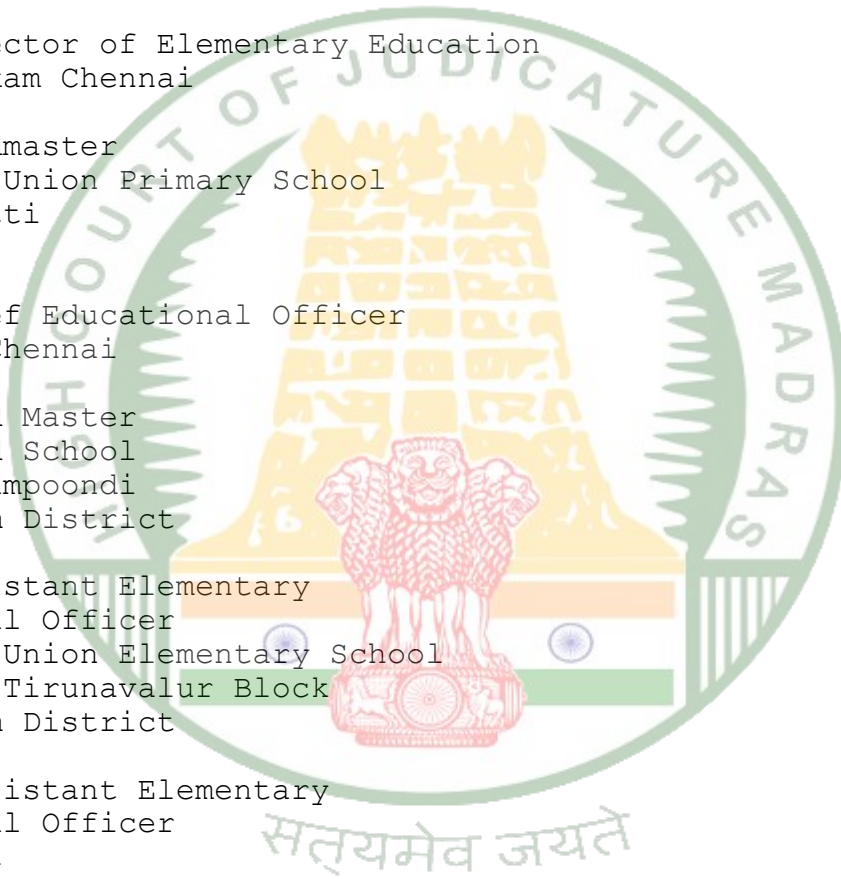
8.The Head Master
Govt Aided School
Chinathagampoondi
Villupuram District

9.The Assistant Elementary
Educational Officer
Panchayat Union Elementary School
T.Orathur Tirunavalur Block
Villupuram District

10.The Assistant Elementary
Educational Officer
Ulundurpet
Villupuram District

11.The Assistant Elementary
Educational Officer
Thirunavalur Block
Villupuram

12.The Headmaster
Government Higher Secondary
School, Veppanthattai
Perambalur



13.The Headmaster
Panchayat Union Middle School
Tindivanam Taluk
villupuram

14.The Headmaster
Government Higher Secondary school
Keezhapuliyur
Perambalur

15.The Headmaster
Govt Boys Hr School
Metturdam
Salem

16 The Assistant Elementary
Educational Officer
Thirunavalur Union
Villupuram District

17.The Chief Educational
Officer, Villupuram

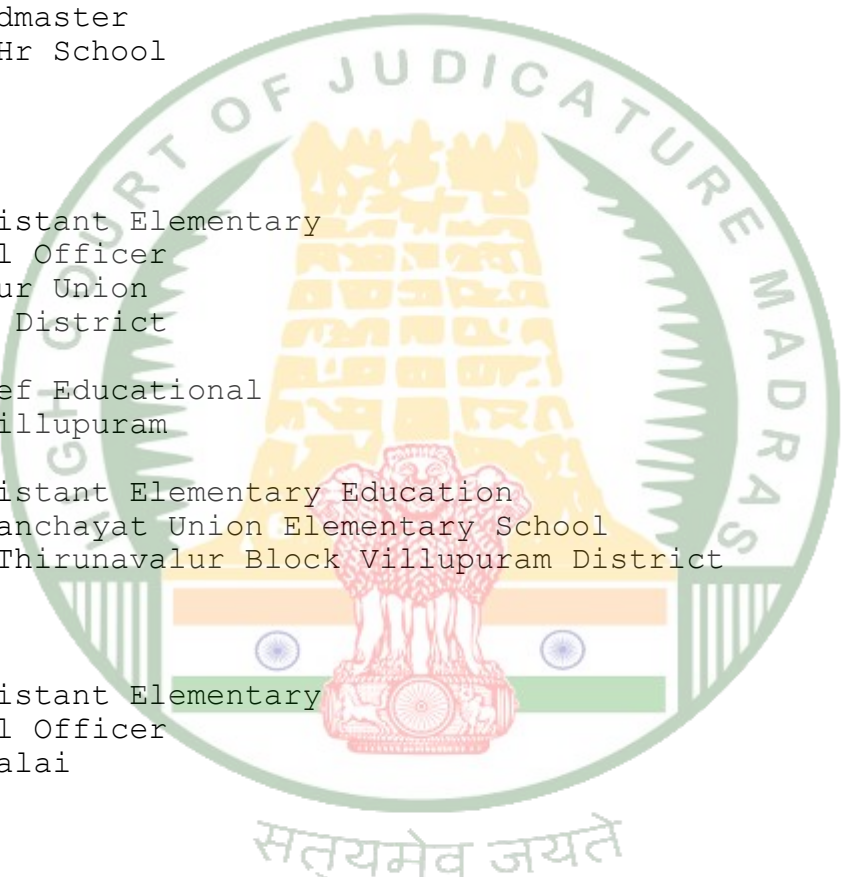
18.The Assistant Elementary Education
Officer, Panchayat Union Elementary School
Sendanadu Thirunavalur Block Villupuram District

19.The Assistant Elementary
Educational Officer
Tiruvannamalai

20.The Headmaster
Govt Girls Hrs School
Singarapettai
Krishnagiri District

21.The Headmaster
Panchayat union Middle
School Pollachi Taluk
Coimbatore District

22.The Headmaster
Govt Hrs.Sec.School
Kunnam Taluk,



Peramballur District

23.The Chief Educational Officer
Perambalur Perambalur District

24.The headmaster
Govt Boys Hr.School
Attur Taluk
Salem District

25.The Headmaster
Panchayat Union Elementary School
Ayyampalayam
Thiruvannamalai

26.The Headmaster
Panchayat Union Middle School
Pruvalur

27.The Head Master
Panchayat Union Elementary School
Tindivanam Villupuram
28.The Head Master
M.G.R.Aided Primary School
Tholeesvarapuram (Post)
Perambalur District

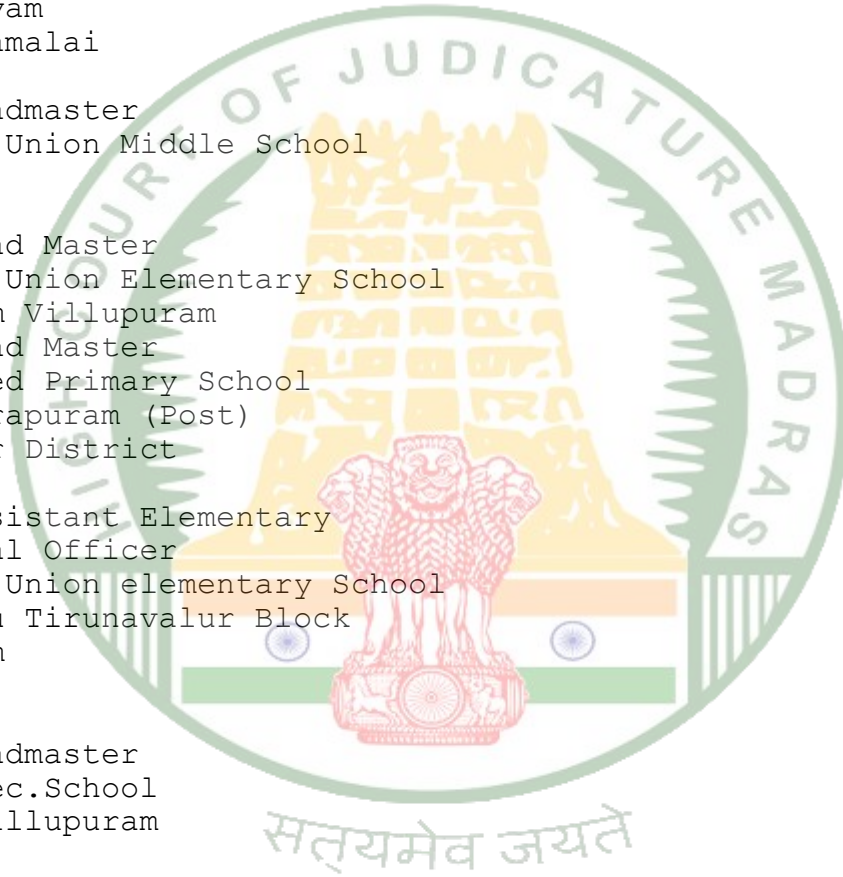
29.The Assistant Elementary
Educational Officer
Panchayat Union elementary School
Kokkankadu Tirunavalur Block
Villupuram

30.The Headmaster
Govt Hr.Sec.School
Devanur Villupuram

31.The Headmaster
Govt Higher Secondary School
Guruvankuppam
Cuddalore District

32.The Headmaster
Thanthai Roever Middle
School, Elambalur
Perambalur

33.The Headmaster
Govt Hr.Sec.School
Pannapatti Salem



34.The Headmaster
T.E.L.C.Middle School
40 KEMPS Town
Perambalur District

35.The Headmaster
Panchayat Union Elementary School
Perambalur District
Perambalur

36.The HeadMaster
Govt Higher School
Ulipuram Gangavalli
Salem District

37.The Headmaster
St.Pauls Hr.Secondary School
Salem Salem District

38.The Headmaster
Govt Hr.Sec.School
Metturdam Salem

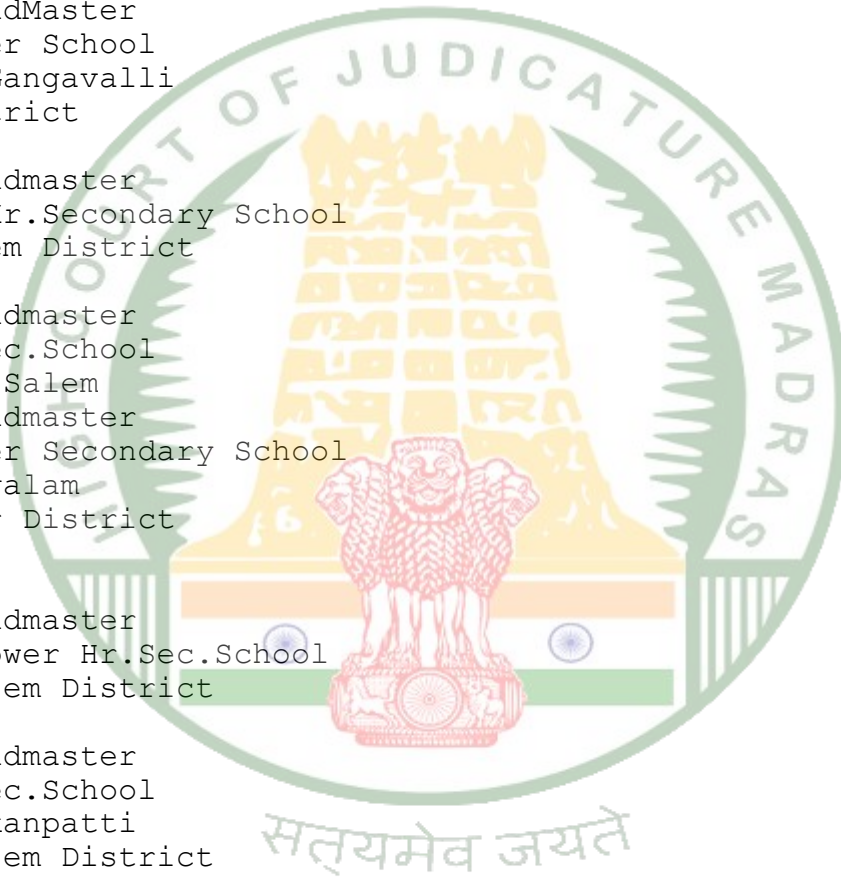
39.The Headmaster
Govt Higher Secondary School
Thuraimangalam
Perambalur District

40.The Headmaster
Little Flower Hr.Sec.School
Salem, Salem District

41.The Headmaster
Govt Hr.Sec.School
Muthunaickanpatti
Omalar Salem District

42.The Headmaster
Panchayat Union Middle
School, Kalathampattu
Melmalaiyanur
Villupuram

43.The Headmaster
Govt Hr.Sec.School
Thiruvannamalai
Thiruvannamalai District



WEB COPY

44.The Assistant Elementary
Educational Officer
Thirmiri Arcot
Vellore

45.The Headmaster
Govt Hr.Sec.School
Thanthaonimalai
Karur District

46.The District Elementary
Educational Officer
Thiruvannamalai
Thiruvannamalai District

47.The Assistant Elementary
Officer, Ulundurpet
Villupuram District

48.The Assistant Elementary
Educational Officer
Kizpennathur
Thiruvannamalai

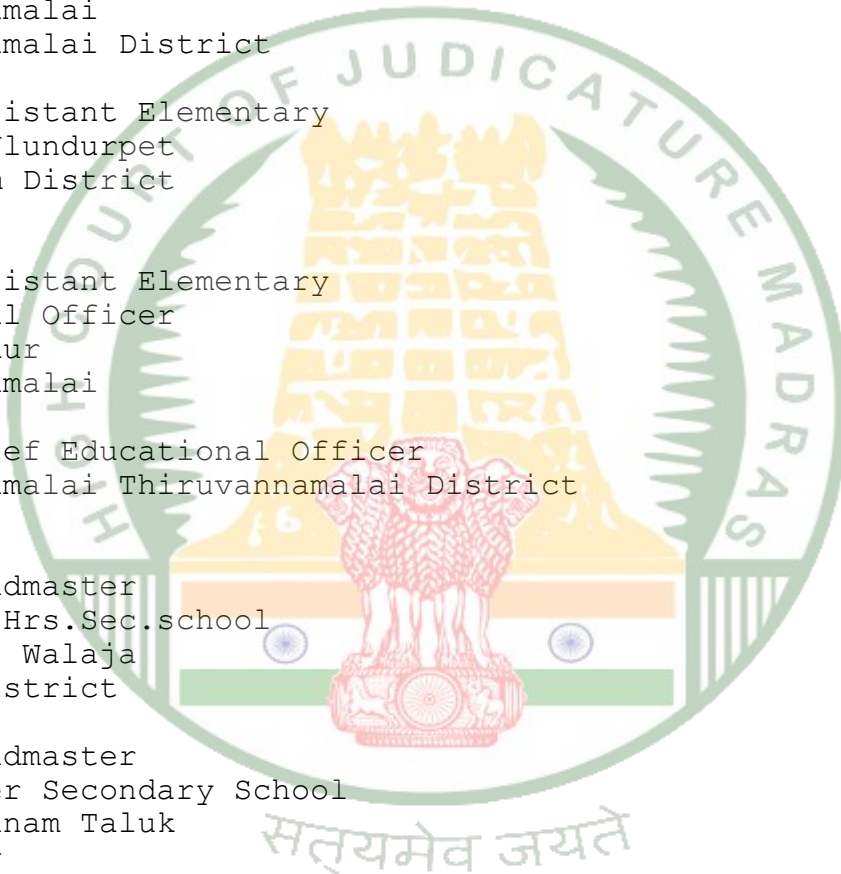
49.The Chief Educational Officer
Thiruvannamalai Thiruvannamalai District

50.The Headmaster
Govt Boys Hrs.Sec.school
Vannivedu, Walaja
Vellore District

51.The Headmaster
Govt Higher Secondary School
veppur Kunnam Taluk
Perambalur

52.The Headmaster
Govt Hr.Secondary School
Thanthonimalai
Karur

53.The Assistant Elementary
Educational Officer
Thandrampattu
Thiruvannamalai District



WEB COPY

54.The Head Master
Panchayat Union Middle School
Mupathuvetti
Vellore

55.The Assistant Elementary
Educational officer
Thiruvannamalai

56.The Headmaster
Govt Boys Hrs.Sec School
Kunnam Perambalur

57.The Headmaster
Govt.High School
Valikandapuram
Perambalur

58.The Govt of TamilNadu
rep by Secretary to Government
Adi Dravidar Welfare department,
Secretariat Chennai

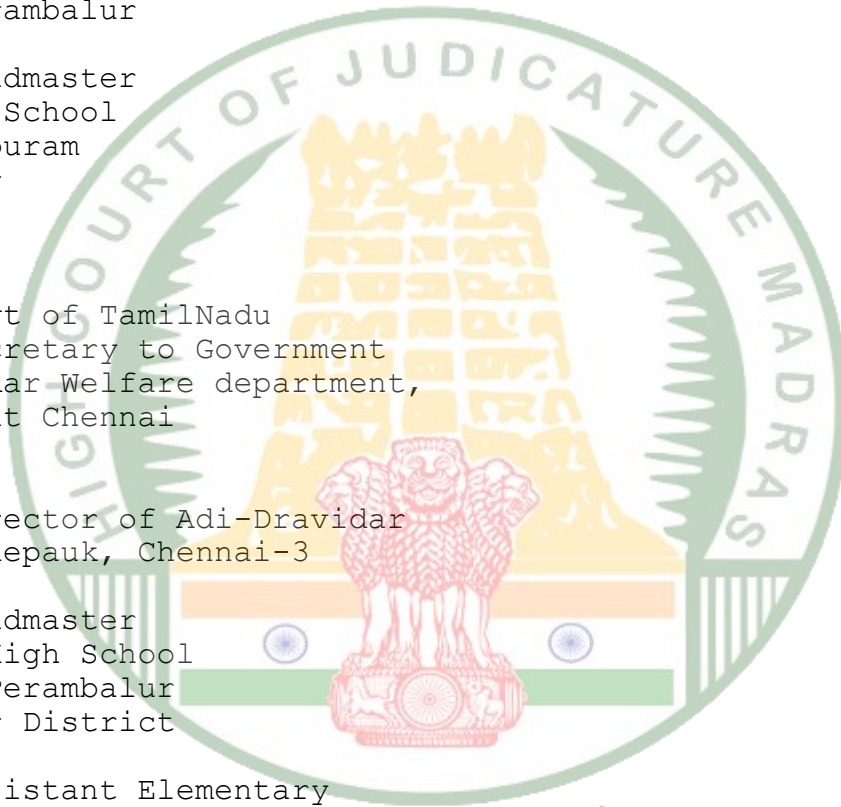
59.The Director of Adi-Dravidar
Welfare Chepauk, Chennai-3

60.The Headmaster
Govt ADW High School
Alambady Perambalur
Perambalur District

61.The Assistant Elementary
Educational Officer
Panchayat Union Elementary School
KaruveppilaiPalayam
Tirunavalur Block
Villupuram District

62.The Headmaster
Govt Hr.Sec.School
Vanavasi Salem

63.The Assistant Elementary
Educational Officer
Pappairedypatti
Dharmapuri



WEB COPY

64.The Headmaster
Panchayat Union Elementary School
Timiri, Vellore District

65.The Headmaster
Panchayat Union Middle School
Thoppanpatti, Thiruvannamalai District

66.The Headmaster
Panchayat Union Primary School,
Nallur Veppur Union Kunnam Taluk
Perambalur

67.The Assistant Elementary
Educational Officer
Pollachi South Coimbatore

68.The headmaster
Govt High School
Ayakudi Dindigul

69.The Headmaster
Govt High School
Manur Dindigul

70.The Headmaster
Municipal Hr.Sec.School
Palani Dindigul

71.The Headmaster
Govt Girls Hr.Secondary School,
Palani Dindigul

72.The Headmaster
panchayat Union Elementary school
Balasamutharam, Palani Dindigul

73.The State of Tamil Nadu
rep by its Secretary to Govt
Rural Development and
Panchayat raj Department
Fort St.George Chennai-9

74.The Director
Commissionerate of Rural Development and
Panchayat raj Panagal Building Chennai-15



WEB COPY

75.The District Collector
Kancheepuram District
Kancheepuram

76.The District Collector
Thiruvallur District
Thiruvallur

77.The District Adi Dravidar Welfare
Officer Vellore Vellore District

78.The Special Tahsildar
Adi Dravidar Welfare
Vellore, Vellore District

+1 cc to M/s.Isaac Chambers Advocate sr 57227
+4 cc to Mr.S.Mani Advocate sr 56622
+4 ccs to Mr.V.R.Rajasekaran Advocate sr 56681
+9 ccs to Mr.V.Thirupathi Advocate sr 57141 to 57149

+1 ccs to the Government Pleader sr 57451,57452
57454 to 57457 and 57511 to 57514
+1 cc to M/s.Mohammed Ismail Advocate sr 56947 dt 20/12/2017

W.P.Nos.36386 to 36395; 36799 to 36808;
37417 to 37245; 37439; 37199 to 37208;
37853 to 37862; 38337 to 38345; 38285 to
38294; 38587 to 38596; 39037 to
39043 of 2016 & 6484 of 2015 & 24974,
33668 to 33670 of 2016 &
4608 to 4611 of 2016

WEB COPY

scd(co)
aa05/12/2017