



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJAW.P.(MD)No.16818 of 2017

A.Kirubakiri : Petitioner
Vs.

1.The Secretary to Government,
Education Department,
Secretariat,
Chennai-600 009.

2.The Chief Educational Officer,
Educational Department,
Palani Road,
Dindigul.

3.The Headmistress,
Government Girls Higher Secondary School,
Gopalpatti,
Vemparpatti Post-624 308,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Education Department, Chennai to pass appropriate orders on the petitioner's representation dated 03.06.2017 based on the dictum of the Hon'ble Supreme Court in C.C.No.10842 of 2013 dated 04.07.2013 and number of orders followed by this Court within a specified time fixed by this Court.

For Petitioner

: Mr.S.Visvalingam

For Respondents

: Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourt.gov.in/hcservices> The petitioner has come to this Court seeking Writ of Mandamus, directing the first respondent / Secretary to



Government, Chennai, to pass appropriate orders on the petitioner's representation dated 03.06.2017 based on the dictum of the Hon'ble Supreme Court in C.C.No.10842 of 2013 dated 04.07.2013.

3.The learned counsel appearing for the petitioner would submit that the petitioner while serving as Sewing Mistress in the Government Girls Higher Secondary School, Gopalpatti, Vemparpatti Post, Dindigul District, attained the age of superannuation on 30.09.2007. But, the petitioner was permitted to continue her service till the end of the academic year, namely, from 01.10.2007 to 31.05.2008. Thereafter, she was permitted to retire from service and she had also received all her retirement benefits.

4.However, the grievance of the petitioner is that her last increment which fell due on 01.10.2007, has not been sanctioned to her. Hence, the petitioner has given a representation to the respondents on 03.06.2017. But, she has not received any reply. As per the specific provision contained in FR 26(a) Appendix (ix), the increment of a Government Servant which falls due in a quarter may be sanctioned on the day of the quarter even though he retires from the service period to the actual date of accrual of increment. Therefore, the petitioner is before this Court with the present writ petition.

5.In similar circumstances, this Court in *W.P.(MD)No.13032 of 2015 dated 14.07.2016, (P.Manickavasagam Vs. The State of Tamil Nadu represented by its Principal Secretary to Government and two others)*, has held that the prayer sought by the petitioner has to be considered and duly grant them in terms of FR 26(a) Appendix (ix).

6.Mr.R.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents sought time to consider the petitioner's representation dated 03.06.2017.

7.In view of the above, the first respondent is directed to consider the pending representation dated 03.06.2017 and pass orders on merits in the light of the order passed in *W.P.(MD) No.13032 of 2015 dated 14.07.2016*, read with FR 26 (a) Appendix (ix)., within a period of eight weeks from the date of receipt of copy of this order.

8.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AE)



To

1.The Secretary to Government,
Education Department,
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Chennai-600 009.

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Dindigul District.

+One cc to Mr.S.Visvalingam, Advocate, SR.No.76768

Mrn/MR
RL/5C/3P/SV/MMS/SAR1/27/9/2017

W.P.(MD)No.16818 of 2017

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