

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 14.06.2017
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.6477 of 2017**

R.Subbaraju

..Petitioner

Vs.

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

2. The District Elementary Educational Officer,
Virudhunagar,
Virudhunagar District.

.. Respondents

PRAYER:Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent i.e., the Secretary to Government, School Education Department, Chennai relating to his கடிதம் எண்.13756/ந.வ.2(2)/2016 நாள்.31.08.2016 which is based on G.O.Ms.No.311 Finance (CPMC) Department dated 31.12.2014 and quash the same and consequently direct the Government to sanction the last increment which fell due on 01.07.2011 to the petitioner and send revised pension proposal within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam.

For Respondent : Mr.N.S.Karthikeyan.

Additional Government Pleader.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of first respondent dated 31.08.2016 and direct the government to sanction the last increment which fell due on 01.07.2011 to the petitioner and also to revise the pension proposal within the time fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned learned Additional Government Pleader appearing for the respondents.

3. The petitioner was serving as driver in the office of the District Elementary Educational Officer. He was allowed to retire peacefully from service on 30.06.2011. However, the increment which fell due on 01.07.2011 was not sanctioned to the



petitioner, referring to FR(26)(a) Appendix(ix). The petitioner therefore submit that he is entitled to the increment which fell due on 01.07.2011.

4. The learned Counsel for the petitioner relied upon G.O.Ms.No.311 Finance (CMPC) dated 31.12.2012 wherein it is stated 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 Rules 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."

5. As per the recommendations of the Government the petitioner is entitled to one notional increment as claimed by the petitioner for calculating pension. The learned Counsel for the petitioner also relied upon few judgments by this Court. Similarly, the learned Standing Judge of this Court admitted that in the case of K.Alagumuthu V. State of Government this Court has passed similar order in W.P.(MD)No.10630 of 2016 dated 15.07.2016.

6. Having regard to the limited scope of the prayer that is now sought before this Court by the learned Counsel for the petitioner without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction:

"The respondent is directed to consider the representation of the petitioner, dated 11.04.2017, and 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."

7. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)



To

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

2. The District Elementary Educational Officer,
Virudhunagar,
Virudhunagar District.

+1cc to M/S. S.VISVALINGAM, Advocate, SR.No.60100.

ORDER MADE IN
W.P. (MD) .Nos.6477 of 2017
14.06.2017

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SDS/SKN:RSK/SAR 2/12.07.2017/3P/4C