

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.34372 of 2017

Gunaseelan

Petitioner

vs.

- 1 The State of Tamil Nadu
represented by its Principal Secretary
Finance (CMPC) Department
Fort St. George
Chennai 600 009
 - 2 The Director of Elementary Education
EVK Sampath Maligai
DPI Compound
College Road
Nungambakkam
Chennai 600 006
 - 3 The Assistant Elementary Educational Officer
Udumalaipet
Tiruppur District
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to consider the petitioner's representation dated 22.11.2017 for payment of annual increment on superannuation.

For petitioner Mr. M. Ravi

For respondents Mr. R.A.S. Senthilvel
Addl. Government Pleader

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ORDER

Mr. R.A.S. Senthilvel, learned Additional Government Pleader, accepts notice for the respondents.

2 This writ petition has been preferred seeking a writ of mandamus directing the third respondent to consider the petitioner's representation dated 22.11.2017 for payment of annual increment on superannuation.

3 The petitioner claims to be a pensioner, having retired from service as Headmaster on 31.05.2008. It is his case that as per G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014 (for brevity "G.O.Ms.No.311"), the year of retirement should also be reckoned for the purpose of grant of notional increment, purely for the purpose of pensionary benefits and though his case falls under the said Government Order, the benefit of the said Government Order has not been extended to him. According to the petitioner, he has addressed a representation dated 22.11.2017 in this regard which is still under consideration and hence, the present writ petition seeking the aforestated relief.

4 According to the learned counsel for the petitioner, G.O.Ms.No.311 states 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; since the petitioner had retired from service on 31.05.2008, he is entitled to get the benefit of G.O.Ms.No.311.

5 The above submission of the learned counsel for the petitioner does not cut ice with this Court for the reason that the opening paragraph of G.O. Ms.No.311 makes it clear that Government servants who retire on 31st March, 30th June, 30th September and 31st December, as the case may be and completed one full year of service which is accountable for increment as per F.R. 26(a), (b), (bb), (c) and (d), as the case may be, and on the date of retirement, are entitled to get increment. But, in the case at hand, the petitioner has retired on 31st May 2008, which date does not find place in G.O. Ms.No.311.

In such view of the matter, this Court is of the view that this writ petition is devoid of merits and the same stands dismissed accordingly. Costs made easy.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Principal Secretary
Finance (CMPC) Department
State of Tamil Nadu
Fort St. George
Chennai 600 009
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Tiruppur District

+1cc to Mr. M. Ravi, Advocate, S.R.No.1008
+1cc to the Government Pleader, S.R.No.672

W.P. No.34372 of 2017

ks (co)
abr (03/02/2018)



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