

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2018

CORAM

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

W.P.No. 20965 of 2014

C.Jayapragasam

...Petitioner

Vs

The Assistant Elementary Educational Officer,
Gudimangalam,
Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus To call for the records relating to the impugned order of the respondent in A.Thi. Mu.No.49/A1/2014 dated 7.3.2014 and quash the same and direct the respondent to grant to the petitioner the Annual Increment due on 1.10.2003 and grant him all consequential benefits.

For Petitioner : Mrs.A.Kowsalya for Mr.Rajendran

For Respondents : Mr.K.Karthikeyan,
Government Advocate

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 07.03.2014 and direct the respondents to grant the petitioner's Annual Increment due on 1.10.2003 and grant him all consequential benefits.

2. The petitioner was appointed as Higher Grade Teacher on 27.08.1965. He was promoted as Secondary Grade Teacher on 17.10.1966 and as Primary School Head Master on 30.06.1999 and retired from service on 30.09.2003 as Headmaster, Panchayat Union Primary School, Alamarathur, Gudimangalam Block, Tiruppur District. The petitioner states that the date of his annual increment falls first of October every year. The petitioner retired from service on 30.09.2003, that is, the day before the date of his annual

increment, he was not given the annual increment due on 01.10.2003.

3. The learned Government Advocate appearing on behalf of the respondents states that the date of the petitioner's annual increment is first October of every year. Since, he retired from service on 30.09.2003, on the day before his increment, he was not given the annual increment due to the year 2002-03. The annual increment is given for completion of one year prior to the date of increment. The petitioner's last increment was given on 01.10.2002. Thereafter, he worked for one year and for that period, the petitioner seeks annual increment and the same cannot be granted, in view of the fact that the petitioner was allowed to retire from service on 30.09.2003, itself.

4. The annual increments are sanctioned for the completed one year of service. In the present case on hand, the petitioner had completed one year on the date of retirement on 30.09.2003. The similar issue was adjudicated before the Courts and the Government also issued G.O.Ms.No. 311 Finance (CMPC) Department dated 31.12.2014, granting the annual increment in respect of the employees, who completed one year of service and retired from service on the next day of the completion of one year of service. Thus, the case of the writ petitioner is also to be considered in the light of G.O.Ms.No. 311 Finance (CMPC) Department dated 31.12.2014, enabling him to avail the benefits of annual increment.

5. The learned Government Advocate appearing for the respondents states that the writ petition is belated, in view of the fact that the same is filed after a lapse of 11 years from the date of retirement of the writ petitioner.

6. This Court is of an opinion that however, the writ petitioner is directed to submit a representation to the respondents and in the event of receiving any such representation, the respondents is directed to consider the representation and pass orders on merits and in accordance with law within a reasonable period of time.

7. With the above observations, the writ petition stands disposed of. However, there shall be no order as to

Sd/-
Assistant Registrar (CCC)

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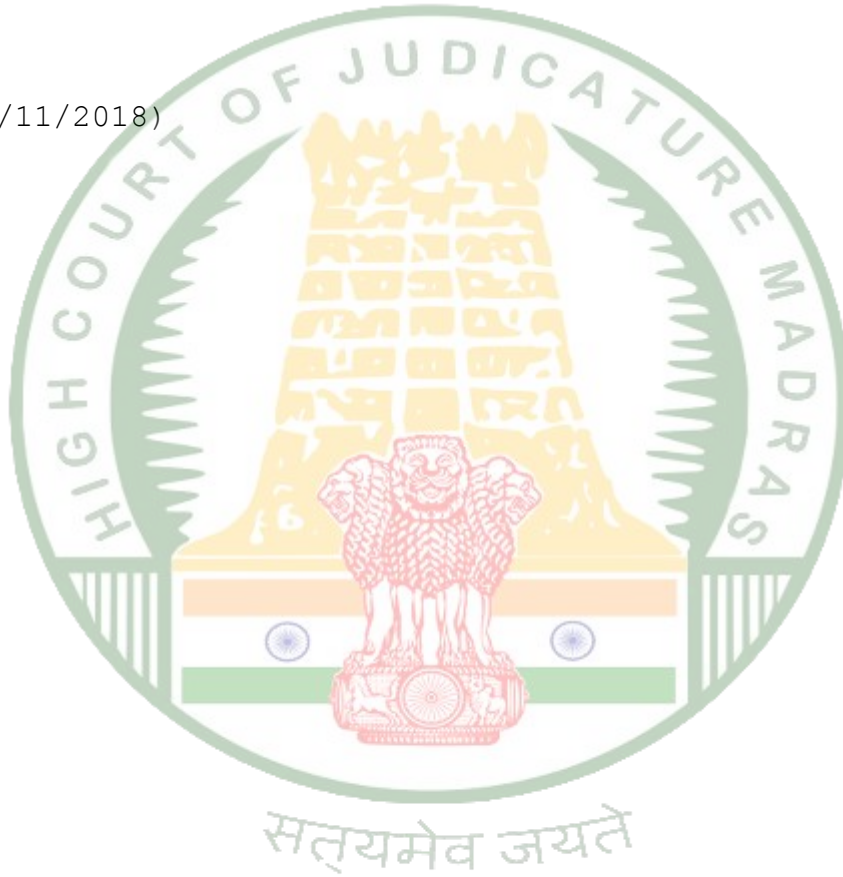
Sub Assistant Registrar

To
The Assistant Elementary Educational Officer,
Gudimangalam,
Tiruppur District.

+1cc to M/s.P.Rajendran, Advocate SR.NO.76659
+1cc to The Government Pleader, S.R.No.76735

W.P.No.20965 of 2014

AD(CO)
KAK (29/11/2018)



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