

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 28733 OF 2018

J.Sridharan

.. Petitioner

- Vs -

1. The State of Tamil Nadu
rep. by Prl. Secretary to Government
Transport Department
Secretariat, Fort St. George
Chennai - 9.

2. The Managing Director
State Express Transport
Corporation (Tamil Nadu) Ltd.
Thiruvalluvar House
Pallavan Salai, Chennai - 2.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India praying this Court to issue a writ of mandamus directing the respondents to pass orders granting annual increment to the petitioner in the post of Assistant Manager as on 1.4.2016 as per Fundamental Rules and Common Service Rules with all consequential benefits relating to retirement benefits, by considering the representation submitted by the petitioner, dated 26.7.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr. G.Sankaran

For Respondent : Mr. R.S.Selvam, GA for R-1

Mr. P.Kannankumar, Std. Counsel for R-2

ORDER

The present petition has been filed by the petitioner for a direction to the respondents to grant annual increment in the post of Assistant Manager as on 1.4.2016 to the petitioner as per Fundamental Rules and Common Service Rules with all consequential benefit, based on the representation of the petitioner, dated 26.7.18.

2. The petitioner was initially appointed as Graduate Apprentice on 13.5.1981 and thereafter, through various promotion, reached the post of Assistant Manager on 30.6.2015 and reached the age of superannuation on 30.4.2016. On the verge of retirement, the petitioner was placed under suspension by order dated 22.3.2016 and he was issued with a charge memo dated 23.3.2016 for certain delinquencies. Disciplinary proceedings initiated against the petitioner was concluded and final orders was passed by the 2nd respondent on 29.5.2018 imposing punishment of stoppage of increment for two years without cumulative effect. Consequent upon the same, the petitioner was allowed to retire from service notionally with effect from 30.4.2016 by revoking the order of suspension and relieving order, dated 28.6.2018 was issued. Though as per the order of retirement, the petitioner was issued with Last Pay Certificate on 18.7.2018, the annual increment for the period 1.4.2016 has not been included. On enquiries by the petitioner with the respondents, he was informed that since he was promoted as Assistant Manager only on 30.6.2015 and that he had retired before the completion of one year period, he is not entitled for increment on 1.4.2016.

3. It is the stand of the petitioner that the rejection of increment for the petitioner by the respondents is factually and legally unsustainable since FR 26 (a) provides that fixation of date for annual increment in four quarters every year and the date of increment should be advanced to the first date of the particular quarter. It is further stand of the petitioner that the pay certificate dated 27.8.2015 issued to the petitioner mentions the next increment of the petitioner as 1.4.2016. Quoting the same, the petitioner submitted representation to the 2nd respondent seeking sanction of one increment as on 1.4.2016, but no orders have been passed on the said representation. Therefore, the present petition has been filed.

4. Mr. R.S.Selvam, learned Government Advocate takes notice for the 1st respondent and Mr.P.Kannankumar, learned standing counsel takes notice for the 2nd respondent. Learned standing counsel for the 2nd respondent submits that the representation submitted by the petitioner would be considered within the time frame as fixed by this Court.

5. In view of the limited relief sought for, it would suffice to direct the 2nd respondent to consider the petitioner's representation, dated 26.7.2018 and pass orders thereon, within a specified time frame.

6. Accordingly, this writ petition stands disposed of with a direction to the 2nd respondent to consider the petitioner's representation, dated 26.7.2018 and pass orders thereon within a

period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Prl. Secretary to Government
Transport Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 9.

2. The Managing Director
State Express Transport
Corporation (Tamil Nadu) Ltd.
Thiruvalluvar House
Pallavan Salai, Chennai - 2.

+1cc to Mr.P.Kannankumar, Advocate sr.no.89656
+1cc to Mr. G.Sankaran, Advocate sr.no.89222
+1cc to Government Pleader sr.no.89449

W.P. NO. 28733 OF 2018

cnr(co)
nr 25/01/2019

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