



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 68 of 2018

V.Balakrishnan

.. Petitioner

Vs.

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

2.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

3.The District Educational Officer,
Madurai District,
Madurai - 625 002.

4.The Secretary,
Sourastra Higher Secondary School,
110, Kamarajar Salai,
Madurai - 625 009.

.. Respondents

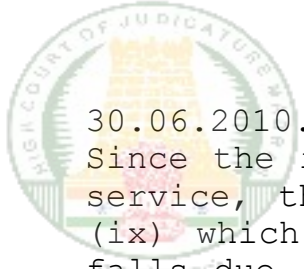
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records of the third respondent i.e., the District Educational Officer, Madurai in his O.Mu.No.6573/A.4/2017, dated 21.12.2017, which is based on G.O.(Ms).No.311, Finance (CPMC) Department, dated 31.12.2014 and quash the same and consequently direct the Government to sanction the last increment which fell due on 01.07.2010 to the petitioner and arrange to send revised pension proposals within a specified time frame that may be fixed by this Court.

For Petitioner
For Respondents

: Mr.S.Visvalingam
: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

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



30.06.2010. However his last increment fell due on 01.07.2010. Since the increment fell due after the writ petitioner retired from service, the same was not sanctioned. Invoking F.R.26(a) Appendix (ix) which reads that 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 prior to the actual date of accrual of increment. The petitioner herein moved the third respondent herein. The third respondent by order dated 21.12.2017 rejected the request of the writ petitioner by citing G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014. Aggrieved by the same this writ petition has been filed.

3. The issue on hand is no longer *res integra*. A learned Judge of this Court by order dated 17.07.2017, while allowing W.P. (MD).No.19782 of 2015, granted relief to an identically placed employee. The case on hand being similar, the writ petitioner is entitled to relief sought for by him. The order impugned in this writ petition is quashed.

This Court directs the first respondent to sanction the last increment which fell due on 01.07.2010 to the writ petitioner and the revised pension proposal shall be submitted within period of eight weeks from the date of receipt of a copy of this order.

4. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

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

2.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

3.The District Educational Officer,
Madurai District,
Madurai - 625 002.

+1cc to M/S.Special Government Pleader,SR. 45993

+1cc to Mr.S.VISVALINGAM,Advocate,SR.45123

W.P. (MD) .No.68 of 2018
31.01.2018