



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.6945 of 2018

K.Thangiah

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary and Commissioner
of Revenue Administration,
Ezhilagam, Chepauk,, Chennai - 600 005.
- 3.The District Collector,
Sivagangai District, Sivagangai.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent ie., the Principal Secretary to Government, Revenue Department, Chennai to sanction the petitioner's last increment which fell due on 01.07.2009 as per the specific provisions contained in the FR 26(a) Appendix (IX) and as per the positive orders passed in number of writ petitions and to send revised pension proposals to the Accountant General, Chennai within a specified time.

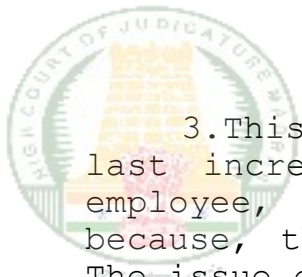
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.N,Jeyakumar, AGP

ORDER

Heard the learned counsel on either side. This writ petition is taken up for final disposal by consent of both parties at the admission stage itself.

2.The writ petitioner retired as a Village Administrative Officer on 30.06.2009. His next increment fell due on 01.07.2009. However, it was not sanctioned. Therefore, the petitioner sent a representation in this regard.



3.This Court in a number of decisions held that even though the last increment falls due one day after the retirement of the employee, it still will have to be sanctioned and paid. This is because, the increment is paid for the services already rendered. The issue on hand is thus no longer res integra.

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4.The first respondent is therefore directed to sanction the petitioner's last increment which fell due on 01.07.2009 within a period of twelve weeks from the date of receipt of a copy of this order and also disburse the arrears immediately thereafter. Since the last increment has been directed to be sanctioned, the petitioner's pension also will have to be correspondingly revised. The sanction of last increment and revision of petitioner's pension shall be done within the above said period. It is true that the concerned authority will have to submit the necessary proposals to the third respondent in this regard and that the third respondent in turn will have to forward the same to the second respondent. Therefore, a direction is given to the third respondent to collect the relevant particulars and also the necessary proposals from the concerned officials.

5.This writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary and Commissioner
of Revenue Administration,
Ezhilagam, Chepauk,, Chennai - 600 005.
- 3.The District Collector,
Sivagangai District, Sivagangai.

+1CC to Mr.S.Visvalingam, Advocate, SR.No. 58515
+1CC to the Special Government Pleader SR.No.59462

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28.03.2018

skm

AM/KKR/SAR 1/29.05.2018/2P/6C