



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHANW.P.(MD) No.22349 of 2018

V.Malayalam

.. Petitioner

Vs.

The Secretary to Government,
Public (Special-B) Department,
Secretariat,
Chennai - 600 009.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent I.e., the Secretary to Government, Public (Special-B) Department, Chennai to sanction the Petitioner's last increment which fell due on 1.7.1994 as per G.O.No.140, Finance(Pay Cell)Department, dated 25.4.2018 and arrange to send the revised pension proposals within the time specified by this Court.

For Petitioner : Mr.S.Visvalingam

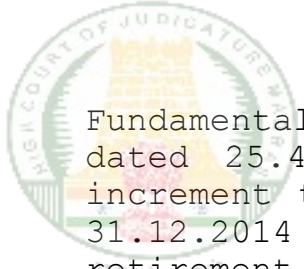
For Respondent : Mr.R.Sethuraman
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking direction to the respondent respondent I.e., the Secretary to Government, Public (Special-B) Department, Chennai to sanction the Petitioner's last increment which fell due on 1.7.1994 as per G.O.No.140, Finance(Pay Cell)Department, dated 25.4.2018 and arrange to send the revised pension proposals within the time specified by this Court.

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondent. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the Petitioner was employed as District Revenue Officer in Kancheepuram District at Kancheepuram and retired from service on 30.06.1994, on attaining the age of superannuation. It is further submitted that the Petitioner's last increment fall on 1.7.1994 and the same was not sanctioned and paid to him. The Government has also amended the



Fundamental Rules by G.O.Ms.No.140, Finance(Pay Cell)Department, dated 25.4.2018, extending the benefit and sanction of annual increment to all the Petitioners who retired from service prior to 31.12.2014 if they completed one full year of service prior to the retirement and to sanction increment notionally before 31.12.2014 and payment of monetary benefit from 31.12.2014. Hence the Petitioner has made representations, dated 4.5.2018 and 27.8.2018 in this regard to the respondent. Since the said representations did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Special Government Pleader appearing for the would submit that the respondent is ready to consider and dispose of the representations submitted by the Petitioner in accordance with law, within the time stipulated by this Court.

5. In view of the above submission, the respondent is directed to consider the representations of the Petitioner, dated 4.5.2018 and 27.8.2018 and to pass appropriate orders on the same in accordance with G.O.Ms.No.140, Finance(Pay Cell)Department, dated 25.4.2018 and if the Petitioner is eligible to get the benefits under the above said Government Order, the same shall be sanctioned and paid to him, within a period of two months from the date of receipt of a copy of this order, if there is no legal impediment to do so.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

The Secretary to Government,
Public(Special-B) Department,
Secretariat,
Chennai - 600 009.

+1cc to Mr.S.Visvalingam, Advocate, Sr.No.93723.
+1cc to Special Government Pleader, Sr.No.94233.

W.P.(MD) No.22349 of 2018
01.11.2018

vsn

RAM-PS/SKN/SAR 4/14.12.2018/2P/4C