

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22754 OF 2011

ORDER:

This writ petition is filed seeking to declare the proceedings dated 21.7.2011, issued by the 2nd respondent, as illegal and arbitrary and contrary to the directions given by this Court in W.P.No.18182 of 2004 and set aside the same.

Heard Sri V. Ramakrishna, learned counsel for the petitioner and Sri S.V. Ramana, learned Standing Counsel for the respondents.

It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as a driver in the year 1989 and he has completed 22 years of service in the said cadre and on completion of 12 years of service, the petitioner is entitled for grant of Special Grade Increment, but the respondents have not granted the Special Grade Increment. The learned counsel for the petitioner further contends that the Special Grade Increment was granted to the petitioner on 8.9.2010 i.e after completion of 19 years. Actually, the petitioner is entitled for the Special Grade Increment on completion of twelve years.

Learned counsel for the petitioner further contends that the action of the respondents in not granting the Special Grade Increment on completion of 12 years of service, is arbitrary and improper and a direction be given to the respondents to grant the Special Grade Increment on completion of 12 years of service i.e on 1.4.2005.

Learned Standing Counsel for the respondents would submit that the petitioner is not entitled for grant of Special Grade Increment as the petitioner was undergoing a punishment during

the relevant point of time and hence his case was deferred and it was given to the petitioner only in the year 2010, the moment he was entitled. The learned Standing Counsel has also relied upon the judgment dated 24.10.2014 of the Division Bench of this Court in W.A.No.108 of 2006, and contends that this Court has held that the Special Grade Increment is not automatic and it is only on completion of 12 years of effective service. This Court having considered the said judgment is of the considered view that the same has no application to the facts of the present case. In that case, the respondent driver had not completed the effective service and he was reinstated with continuity of service. But in the present case, petitioner has effectively rendered 12 years of service and he has completed 12 years of effective service as on 1.4.2005 and thereby the petitioner is entitled for grant of Special Grade Increment. Therefore, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed directing the respondents to grant the Special Grade Increment to the petitioner on completion of 12 years of service i.e on 1.4.2005 with all consequential benefits. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:26.10.2018.
Gk.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No.22754 OF 2011

Date:26.10.2018

Gk.