

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 9163 of 2019**

Shivdayal Patel, S/o. Sadharam Patel, Aged About 68 Years, Retired Upper Division Teacher, At/ Post Village Telipali, Post Loharsih, Tahsil Pussore, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Joint Director, Treasury, Accounts & Pension, Bilaspur Division, Bilaspur, District Bilaspur, Chhattisgarh.
3. District Education Officer, Raigarh, District Raigarh, Chhattisgarh.
4. Block Education Officer, Block Pussore, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Dhani Ram Patel, Advocate

For State : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****11.11.2019**

1. The grievance of the petitioner in the present writ petition is for grant of the benefit of one annual increment while fixing pension and other retiral dues payable to the petitioner.
2. According to the counsel for the petitioner, the petitioner retired from service on 30.06.2010. Since the petitioner retired from service w.e.f. 30.06.2010, he would be entitled for the annual increment that would be payable to him for the period between 01.06.2009 to 30.06.2010 as the date of annual increment payable to the petitioners is 1st of July. Therefore, according to the counsel for the petitioner, while quantifying pension and other retiral dues, the annual increment which the petitioner became entitled for having worked till 30.06.2010 has to be added to the last pay and other allowances also.

3. Given the said facts and circumstances of the case, let the respondents 1 to 3 consider the case of the petitioner for grant of one annual increment to the last salary which the petitioner has received for the purpose of quantifying pension and other retiral dues. While deciding the claim of the petitioner, the respondents shall take into consideration the judgment of the Division Bench of Madras High Court in the case of P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others decided on 15.09.2017 in W. P. No. 15732 of 2017.
4. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Ashok