

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31146 of 2019

R.Thanaraja

..Petitioner

Vs

1.The Principal Chief Security Commissioner,
Railway Protection Force/
Southern Railway,
6th Floor, Moore Market Complex,
Chennai -600 003.

2.The Financial Advisor &
Chief Accounts officer,
Southern Railway,
Office of the General Manager/
Southern Railway,
Chennai 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the representation dated 11.03.2019 for grant of one increment on merits within the time frame as may be fixed by this Court.

For Petitioner : Mr.A.J.Alwyn Prabakar
For Respondents : Mr.P.T.Ramkumar

ORDER

1.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to dispose of the representation dated 11.03.2019 for grant of one increment on merits and within the time frame as may be fixed by this Court.

2.The case of the petitioner is that the petitioner was appointed on 30.06.1977 in the Railway Protection Force and after rendering 41 years of service he retired from service on superannuation on 30.06.2018 as Assistant Sub Inspector. The grievance of the petitioner is that he was denied the last increment to which he is entitled to since he completed one year of service from 01.07.2017 to 30.06.2018. The reason for

denial of increment was that after the sixth Pay Commission, the Central Government fixed first July of every year as the date of increment for all the employees and since the petitioner happened to have retired from service on 30.06.2018, he was not given increment. In this regard, it appears that the petitioner made a representation on 11.03.2019 to the first respondent, but the same has been kept pending without any progress. Therefore, the petitioner has come forward with the present writ petition.

3. Mr.A.J.Alwyn Prarakar, learned counsel appearing for the petitioner would submit that since the petitioner has rendered service of one year from 01.07.2017 to 30.06.2018, he is entitled to one increment, but since he retired on 30.06.2018, he was denied the increment which cannot be justified.
4. The learned counsel would draw the attention of this Court to the order of this Court in W.MP.No.15732/2017, wherein the Division Bench of this Court has ordered that one increment should be given to the petitioner therein, though he retired from his service on 30.06.2018 as he completed one full year of service. Hence, the learned counsel would implore this Court to direct the first respondent to consider the dispose of the representation as expeditiously as possible.
5. Mr.P.T.Ramkumar, learned counsel appearing for the respondents, conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representation made by the petitioner, the same would be complied with and the representation would be disposed of in accordance with law.
6. Considering the facts and circumstance of the case and the submissions made by the learned counsel for the petitioner and since the representations made by the petitioner have been pending, this Court directs the second respondent to dispose of the Writ Petitioner's representation dated 11.03.2019, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Chief Security Commissioner,
Railway Protection Force/ Southern Railway,
6th Floor, Moore Market Complex, Chennai -600 003.

2.The Financial Advisor & Chief Accounts officer,
Southern Railway,Office of the General Manager/
Southern Railway, Chennai 600 003.

+1 cc to M/s.P.T.Ramesh Kumar,Advocate Sr.No. 92346

+1 cc to M/s.A.J.Alwyn Prabakar,Advocate Sr.No. 91732

AKM/11.12.19/3P-5C /

W.P.No.31146 of 2019



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