

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33732 of 2019

P.Govindasamy

... Petitioner

Vs.

1. The Director,
Directorate of Collegiate Education,
Department of Higher Education,
Government of Tamil Nadu,
Chennai 600 006.

2. The Principal,
Government Arts College,
Coimbatore.

... 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 sanction notional increment to the petitioner that falls due on 01.07.2007 as per G.O.Ms.No.140, Finance (pay cell) Department, dated 25.04.2018, based on the representation of the petitioner, dated 16.08.2019.

For Petitioner : E.P.Senniyangiri

For Respondents : Mr.V.Kadhirvel,
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to sanction notional increment to the petitioner, based on the representation made by the petitioner on 16.08.2019.

2. It is seen from records that the petitioner joined as a Tutor and he retired as a Associate Professor from the

Government Arts College, Coimbatore on 30.06.2007. The Annual increment for every year falls on the 1st of July. The petitioner received the last increment on 01.07.2006 and he was due for the increment on 01.07.2007. However, the petitioner attained Superannuation just one day before the increment i.e., on 30.06.2007.

3. Several complaints were made to the Government seeking for the notional increment for the purpose of granting pensionary benefits on the ground that persons similarly placed like the petitioner should not be deprived of the increment just because they retired one day prior to the date of increment.

3. A batch of writ petitions also came to be filed before this Court and pursuant to the order passed by this Court, the Government issued G.O.Ms.No.140, Finance (Pay Cell) Department, dated 25.04.2018. The relevant portion of the Government Order is extracted hereunder :-

" Accordingly, Government extend the benefit of sanction of annual increment to all the petitioners who have filed various writ petitions and all other similarly placed persons who retired prior to 31.12.2014 and completed one full year of service prior to their retirement, notionally with effect from the date of their retirement for the purpose of revision of pension with monetary benefit prospectively with effect from 31.12.2014 i.e from the date of issue of G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014. "

4. It is clear from the above Government Order that the petitioner has become eligible for one increment that fell due on 01.07.2007, since the petitioner attained superannuation just one day before on 30.06.2007. The petitioner has made a representation to the 1st respondent seeking for this increment and the same has not been considered and therefore, the present writ petition has been filed seeking for appropriate directions.

5. Heard the learned counsel for the petitioner and the Mr.V.Kadhirvelu, learned counsel Special Government Pleader appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and the clear language that has been used in G.O.Ms.No.140, Finance (Pay Cell) Department, dated 25.04.2018, the 1st respondent is directed to consider the representation dated 16.08.2019 made by the petitioner and pass appropriate orders, within a period of eight weeks from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above directions. No cost.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Directorate of Collegiate Education,
Department of Higher Education,
Government of Tamil Nadu,
Chennai 600 006.

2. The Principal,
Government Arts College,
Coimbatore.

+1cc to M/s.E.P.Senniyangiri, Advocate SR.100853
+1cc to the Government Pleader SR.101188

W.P.No.33732 of 2019

RK(CO)
CB(09/01/2020)



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