



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.371 of 2016

Pichandi, S/o.Arunachalam

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The Commissioner,
Department of Technical Education,
Guindy,
Chennai - 25.

4.The Principal,
Government Engineering College,
Tirunelveli - 7,
Tirunelveli District.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the fourth respondent in Memo No.E3/5273/2015, dated 30.12.2015, quash the same and consequently, direct the respondents to grant one bonus increment to the petitioner on completion of thirty years of service in the light of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013 and consequently, revise the pensionary benefits of the petitioner.

For Petitioner : Mr.V.Kannan
for Mr.T.Lajapathi Roy

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader

**ORDER**

This Writ Petition has been filed seeking to quash the proceedings of the fourth respondent in Memo No.E3/5273/2015, dated 30.12.2015, and consequently, direct the respondents to grant one bonus increment to the petitioner on completion of thirty years of service in the light of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013 and consequently, revise the pensionary benefits of the petitioner.

2.According to the petitioner, he was appointed as Laboratory Assistant on temporary basis and joined service in Government College of Engineering, Tirunelveli, on 05.03.1983, by the proceedings of the fourth respondent, dated 28.02.1983. His service was regularized retrospectively with effect from the date of joining i.e., 05.03.1983, by the proceedings of the fourth respondent, dated 09.11.2009, pursuant to G.O.No.357, Higher Education (C2) Department, dated 01.10.2009. Consequently, revised salary was fixed and arrears of salary was granted to the petitioner. The petitioner was granted selection grade in the said post with effect from 05.03.1993 and special grade with effect from 05.03.2003. Thereafter, the petitioner was posted as Electrician Grade-II in the same Electrical Department in the same scale of pay by the fourth respondent herein.

3.According to the petitioner, the posts of Lab Assistant and Electrician Grade-II carry the same scale of pay. The Government, vide G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013, directed that an additional increment benefit over and above the existing one increment benefit, equivalent to 3% + 3% of basis pay (Pay + Grade Pay) shall be granted to the employees on award of selection grade/special grade in the revised scale of pay implemented with effect from 01.01.2006. The said order has taken notional effect from 01.01.2006 with monetary benefit from 01.04.2013. The Government, by its Letter dated 09.10.2012, clarified that the employees on promotion to higher posts on identical scales of pay, i.e., in the same pay band and same grade pay in the revised pay structure are also entitled for the benefit of one increment equal to 3% of basic pay (Pay + Grade Pay) in the lower post.

4.According to the petitioner, he had completed 30 years of service on 05.03.2013 and therefore, he is entitled for one bonus increment on account of stagnation in a post beyond 30 years. Hence, the petitioner sent a representation dated 03.12.2015 to the respondents and the same was rejected by the fourth respondent, vide proceedings dated 30.12.2015. Challenging the said order, the petitioner has filed present Writ Petition for the relief stated supra.



5.The learned Additional Government Pleader, based on the counter affidavit filed by the respondents, submitted that the duties and responsibilities of the posts of Lab Assistant and Electrician Grade-II are different and no Government Order was passed for the purpose of granting additional increment for stagnation of the post without having promotional opportunity and therefore, the stagnation period of the petitioner in the post of Lab Assistant cannot be counted for granting additional increment and the petitioner's representation in this regard is still pending with the first respondent and therefore, it is appropriate to direct the first respondent to consider the petitioner's representation.

6.Recording the submission of the learned Additional Government Pleader appearing for the respondents, this Court directs the first respondent to consider the petitioner's representation dated 03.12.2015 and take a decision one way or the other at the earliest, not exceeding a period of six months from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The Commissioner,
Department of Technical Education,
Guindy,
Chennai - 25.



4.The Principal,
Government Engineering College,
Tirunelveli - 7,
Tirunelveli District.

+1CC TO MR.V.KANNAN, Advocate Sr. No.69524
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 69747

W.P.(MD) No.371 of 2016
18.06.2019

NR(CO)
TR (04.07.2019) 4P 7C