

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION Nos.16434, 16436, 16440 and 16473 of 2014

COMMON ORDER:

When the matters are taken up for hearing, the learned counsel for the petitioners submits that the issue raised in these writ petitions is squarely covered by the judgment rendered by this Court in W.P.No.11148 of 2009 dated 18.10.2012 and contends that the interest charged on the increments is exorbitant and in terms of the order passed by this Court, the increments to which the petitioners are entitled i.e., one increment be paid by cancelling another increment, which they were erroneously paid.

The learned Standing Counsel appearing for the respondents has not disputed the said fact. But, however, contended that earlier this Court in W.P.No.6911 of 2011 dated 17.08.2011 never dealt with the issue with respect to increments, but only reduced the penal interest from 15% to 18%, to that of 10% uniformly. This Court in subsequent judgment in W.P.No.11148 of 2009 dated 18.10.2012 had dealt with the issue in respect of increments also and declared that the petitioners therein are entitled to at least one increment instead of two increments.

Both the counsel have brought to the notice of this Court that the order in W.P.No.11148 of 2009 dated 18.10.2012 has become final as no appeal has been preferred against the said order.

In the instant case, the learned counsel for the petitioners contends that because of having more than two children, the increments of the petitioners were stopped and the family planning incentive claimed by the petitioners has been withdrawn and in

view of the law laid down by this Court in W.P.No.11148 of 2009 dated 18.10.2012, the petitioners are entitled for grant of one increment instead of withdrawing two increments. Therefore, appropriate orders be passed in these writ petitions directing the respondents to release one increment to which the petitioners are entitled.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of in terms of the order of this Court in W.P.No.11148 of 2009 dated 18.10.2012 and the respondents are directed to release one increment to all the petitioners within a period of two months from the date of receipt of a copy of this order.

With the above observations, the writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILU, J

16-09-2019
Prv