

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.1967 of 2019

R.Balasubramanian

Petitioner

-VS-

1. Mr.S.K.Prabhakar, I.A.S.,
Secretary to Government
Public Works Department
Secretariat, Chennai 600 009

2. Mr.K.Ramamoorthy, B.E.,M.B.A.,
The Engineer-in-Chief-cum-
Chief Engineer (WRO)
Public Works Department
Chepauk, Chennai 600 005

Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971

praying to punish the respondents for wilful disobedience of the order of this

Court dated 26.03.2018 made in W.P.No.7028 of 2018.

For Petitioner

::

Mr.K.Sannjay

For Respondents

::

Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

Mr.R.Balasubramanian, who retired from service on 31.3.2013, on the ground that when the date of increment of a Government Servant falls due on the day following superannuation on completion of one full year of service, such service should be considered for the benefit of increment, came to this Court by filing W.P.No.7028 of 2018 seeking a mandamus directing the respondents 1 & 2 to grant annual increment for the service rendered by him from 1.4.2012 to 31.3.2013 and also calculate the same along with his pension and then grant the revised pension with arrears and all monetary benefits, This Court, while considering the grievance of the petitioner that although he made a representation dated 27.12.2017 requesting the respondents to grant annual increment for the services rendered by him in the respondent department between 1.4.2012 and 31.3.2013 and that the same was not considered by them till the date of filing the writ petition, in the light of Fundamental Rules 26, now Fundamental Rules 26-A, directed the respondents to dispose of the representation dated 27.12.2017 on merits and in accordance with law within a period of four weeks from the date of receipt of the order dated 26.3.2018. The respondents, in due compliance of the order, passed the revised pension order dated 3.7.2018 granting monetary benefit with effect from 31.12.2014. Again dissatisfied with the

above approach, the petitioner has come to this Court with this contempt petition.

2, Mr.K.Sannjay, learned counsel appearing for the petitioner stated that when the petitioner had worked and also retired from service on reaching the age of superannuation on 31.3.2013, just one day before the annual increment was due on 1.4.2013, taking support from Fundamental Rule 26-A, complained that the respondents have given the monetary benefit prospectively with effect from 31.12.2014 and notionally with effect from the day following his superannuation for the purpose of revision of pension, in violation of F.R.26-A.

3. Opposing the above prayer, Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the respondents submitted that G.O.Ms.No.140, Finance (Pay Cell) Department dated 25.4.2018 also makes it clear that if a Government Servant whose increment falls due on the day following superannuation, on completion of one full year of service which are countable for increment under Fundamental Rule 26, he may be sanctioned with one notional increment at the rate as described under rule 6 of the Tamil Nadu Revised Scales of Pay Rules, 2009, purely for the purpose

of pensionary benefits and not for any other purpose and that the above concession of sanction of notional increment is applicable only to the employees who have retired on or after 31.12.2014. In this regard, there was also an order dated 16.8.2017 passed in Writ Petition No.15107 of 2016 observing that the purport of the Government Order is to grant benefits in accordance with the Fundamental Rules and the Government in G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014, further issued directions to carry out necessary amendment to the Fundamental Rules also. Accepting the said order, the Government issued G.O.Ms.No.140, Finance (Pay Cell) Department dated 25.4.2018 in favour of all eligible retired employees who have completed one full year of service and not sanctioned annual increment due to their superannuation prior to 31.12.2014, making it clear that the Government extend the benefit of sanction of annual increment to all the petitioners who have filed various writ petitions and to 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, from the date of issuance of G.O.Ms.No.311, Finance (CMPC) Department dated 31.12.2014.

4. This Court also agrees with the stand taken by the respondents. When the respondents have rightly complied with the order by granting the monetary benefit prospectively from 31.12.2014 and also the notional benefit to the petitioner from the day following his superannuation on 31.3.2013 for the purpose of revision of pension, this Court is not inclined to pursue the contempt proceedings any further. Accordingly, the contempt petition stands closed, as the order has been duly complied with.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

SS

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/04/06/2020

To

1. The Secretary to Government
Public Works Department
Secretariat, Chennai 600 009

2. The Engineer-in-Chief-cum-
Chief Engineer (WRO)
Public Works Department
Chennai 600 005.