



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.12.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD)No.4549 of 2015**

**WEB COPY**

R.Thirumurugan

... Petitioner

Vs.

The Senior Manager (HR)  
Koodangulam Nuclear Project,  
Koodangulam Post,  
Radhapuram Taluk,  
Tirunelveli.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to account the service of the petitioner 8 months 13 days as 9 months by accounting the 13 days as 1 month of service for granting 1<sup>st</sup> increment and 1<sup>st</sup> confidential Report o him on 1<sup>st</sup> August 2006 itself instead of 1<sup>st</sup> February 2007 subsequently direct the respondent to grant all consequential service benefits to the petitioner.

For Petitioner : Mr.M.Gnanagurunathan

For Respondent : Mr.Krishna Srinivasan  
For M/s.S.Ramasubramaniam & Associate

**O R D E R**

The relief sought for in the present Writ Petition is to direct the respondent to account the service of the petitioner 8 months 13 days, as 9 months, by accounting the 13 days, as a month of service, for granting 1<sup>st</sup> increment and 1<sup>st</sup> confidential Report to him on 1<sup>st</sup> August 2006 itself instead of 1<sup>st</sup> February 2007 and subsequently, direct the respondents to grant all consequential service benefits to the writ petitioner.

2. The petitioner was selected and appointed as Scientific Officer / C, by proceedings, dated 27.09.2005. The petitioner joined the services at Kudankulam Nuclear Power Project, Tirunelveli District on 18.11.2005. Thereafter, he was transferred to Mumbai.

3. The learned counsel for the petitioner states that as per the proceedings of the respondents, dated 27<sup>th</sup> September, 2005, the



petitioner will be eligible to draw his increment in the scale of pay of the post in which he was appointed on August 01 or February 01 each year, whichever may be earlier, following the completion of 9 months service in that post provided his work and conduct are found satisfactory. In view of the fact that the petitioner was appointed on 18<sup>th</sup> November, 2005, he was not made eligible for grant of increment as on August first. Thus, the increment was sanctioned from the year 2007 onwards. The learned counsel for the petitioner made a submission that the case of other similar persons were considered and the fraction of days in the 9<sup>th</sup> months were rounded off and the benefit was granted to those employees. In this regard, he has enclosed the chart.

4. However, it was clarified by the learned counsel for the respondent the chart enclosed by the petitioner at page No.7 of the typed set of papers is relating to the C - Accommodation and it is no way connected with the grant of increment to the employees. Thus, the said chart has no relevant, as far as the case of the writ petitioner is concerned.

5. It is contended by the learned counsel for the writ petitioner that admittedly the petitioner joined at Kudankulam Nuclear Power Project on 18.11.2005 and the employees of the similar status at that time were entitled to the first increment on completion of 9 months of services either on 1<sup>st</sup> February / 1<sup>st</sup> August. The requirement to complete 9 months of service is mandatory with no deviation whatsoever. The petitioner admittedly has completed the service of 8 months and 13 days only in August 2006 and therefore, the 1<sup>st</sup> increment was given on 1<sup>st</sup> February, 2007, as per the terms of the offer of appointment.

6. This Court is of the considered opinion that the terms and conditions stipulated in the offer of appointment will be binding on the parties. The conditions stipulated in the order dated 27<sup>th</sup> September, 2005 Clause C reads as under:

"(c) You will be eligible to draw your increment in the scale of pay of the post to which you are appointed on August 1 or February 1 each year whichever may be earlier following the completion of 9 months' service in that post provided your work and conduct are found satisfactory."

7. The petitioner admitted the fact that he joined at Kudankulam Nuclear Power Project only on 18<sup>th</sup> November 2005. Thus, he had completed the service of 8 months and 13 days and admittedly not completed the service of 9 months.



8. This being the factum, there is no infirmity as such in respect of the decision taken by the respondent to grant increment to the writ petitioner with effect from 1<sup>st</sup> February, 2007 and the same is in accordance with the terms of appointment. In this view of the matter, the writ petitioner has not established the acceptable ground for the purpose of considering the relief and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

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/ /2020

Sub Assistant Registrar(CS)

MPK

To

The Senior Manager (HR)  
Koodangulam Nuclear Project,  
Koodangulam Post,  
Radhapuram Taluk,  
Tirunelveli.

+1 CC to Mr.M.GANAGURUNATHAN, Advocate ( SR-24796[F] dated  
10/12/2020 )

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KVN(CO)

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