



W.A.No.2387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2387 of 2022
and C.M.P. No.18223 of 2022

1.The Secretary to Government
(Expenditure),
Finance (T & A - 1) Department,
Fort St. George, Chennai - 9.

2.The Commissioner/ Principal Secretary,
Treasuries & Accounts,
Amma Valagam, No.571, Anna Salai,
Nandanam, Chennai - 600 035.

(Now at
3rd Floor, Perasiriyar K.Anbazhagam Maaligai,
No.571, Anna Salai, Nandanam,
Chennai - 35.)

.. Appellants

vs

A.P.Mahabharathi

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the order
dated 20.04.2022 made in W.P.No.5755 of 2019.



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For Appellants : Mr.Abhishek Moorthy,
Government Advocate

For Respondent : Mr.K.Venkatramani,
Sr. Counsel
for Mr.M.Muthappan

JUDGMENT

(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this appeal is made to the order dated 20.04.2022 recorded on W.P. No.5755 of 2019. This appeal is by the respondents/ State Authorities.

2. Learned Government Advocate for the appellants has submitted that the benefit claimed by the writ petitioner was inconsistent with the policy of the State since the grant of increment was already done away with by the Government Order of the year 2010. It is submitted that this appeal be entertained.

3. Having heard learned Government Advocate for the appellants and having considered the material on record more particularly the finding recorded by learned single Judge in para 5, we find that, the persons similarly situated to the writ petitioner are already conferred benefit. That fact is taken note of by learned single



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Judge and relief is granted to the writ petitioner. This according to us, can not be termed to be erroneous in any manner. Refusal to grant relief in favour of the writ petitioner, in the peculiar facts of the case, would result in discrimination amongst similarly situated persons and therefore no interference is required in this appeal.

4. For the reasons recorded above, this writ appeal is dismissed. No costs. Connected miscellaneous petition would not survive.

(P.U., J) (D.B.C., J)
03.11.2022

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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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