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W.P.No.7187 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7187 of 2017

K.V.Chandran

...Petitioner

Vs.

Director of School Education,
College Road,
Chennai – 600 006.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in O.Mu.No.72355/A1/E5/2016, dated 27.2.2017 passed by the respondent and quash the same and consequently direct the respondent to sanction an increment taking into one year of service rendered by the petitioner from 1.10.1998 to 30.9.1999 and revise the pension to the petitioner

For Petitioner : Mr.M.Muthupandian

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader



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ORDER

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The order impugned dated 27.02.2017, rejecting the claim of the writ petitioner for grant of annual increment with reference to the date of retirement of the writ petitioner is under challenge in the present writ petition.

2.The writ petitioner joined as BT Assistant on 07.07.1964 in the Government High School and he was promoted up to the cadre of Chief Educational Officer. The petitioner retired from service on 30.09.1999.

3.When the petitioner retired from service on 30.09.1999, he filed the present writ petition in the year 2017, after a lapse of about 18 years from the date of retirement. The writ petition was instituted at the age of 76 years by the petitioner and now he would be around 81 years.

4.The grievance of the writ petitioner is that the Government issued G.O.Ms.No.311, granting the benefit of an annual increment, if the date of retirement falls one day prior to the eligibility for sanctioning increment. The



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petitioner completed one year of service on the date of retirement on 30.09.1999 and therefore, he is eligible for annual increment w.e.f. 01.10.1999. However, the said benefit was not granted.

5.The learned counsel for the petitioner relied on the judgment passed by this Court in W.P.No.1245 of 2017, dated 14.09.2017, wherein, the benefit of G.O.Ms.No.311 (Finance Department) dated. 31.12.2014, was extended to the said petitioner.

6.The learned Special Government Pleader appearing on behalf of the respondent made a submission that the petitioner retired from service on 30.09.1999 and therefore, the belated claim set out by the petitioner at this length of time is not entertainable. In this regard, a counter filed by the respondent states as follows:

05. The Government in G.O.Ms.No.123 Finance (PC) Department, dated 10.04.2012 constituted a Pay Grievances Redressal Cell for the anomalies arises in the Tamilnadu Revised



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Scales of Pay Rules 2009 for due rectification. The Pay Grievances Redressal Cell has recommended that "When date of Increment of a Government servant fall due on the following Superannuation on completion of one full year of service. Such service may be considered for the benefit of a notional Increment purely for the purpose of Pensionary Benefits and such concession may be made applicable prospectively. Based on the recommendation of the Pay Grievances Redressal Cell Government in G.O.Ms.No.311 Finance (CMPC) Department, dated 31.12.2014 passed orders to the Government servants whose Increment fall on the day following Superannuation on completion of one full year of service allowed one notional Increment purely for the purpose of Pensionary Benefits. The Government also made applicable the benefit prospective effect from the date of issue of this order. The Writ Petitioner had retired from service on 30.09.1999 and has not been eligible to get the concession sanctioned by the Government retrospectively.

7.No doubt, the benefit of the Government Order was extended to the pensioners also pursuant to the orders of this Court. However, such benefits cannot be extended in perpetuity in respect of the retired employees, who retired long back. The Government Order was issued on 31.12.2014 and the eligible



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persons were sanctioned with the increment notionally and the monetary benefit was extended from the date of Government Order issued in G.O.Ms.No.311 (Finance Department) dated. 31.12.2014. However, the said benefit cannot be extended in respect of the Government employees who retired long back so as to create additional financial burden to the State exchequer. Any such monetary benefit is to be granted from the date of Government Order and in the present case, the petitioner retired from his services in the year 1999 and he filed the writ petition in the year 2017, after a lapse of about 18 years and the Government Order was passed in the year 2014 and in view of efflux of time, this Court is not inclined to consider the relief as such sought for in the present writ petition.

8.Accordingly, this writ petition stands dismissed. No Costs.

18.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
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S.M.SUBRAMANIAM, J.

SSI

To

The Director of School Education,
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