



W.P.No.4745 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4745 of 2017

P.Arivukkodi

... Petitioner

Vs.

The Divisional Exercise Officer
District Collectorate Complex,
Salem 636 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent to sanction increment taking into one year of service rendered by the Petitioner from 01.04.2005 to 31.03.2006 and consequently revise the pension and pay the terminal benefits to the petitioner along with arrears therefor.

For Petitioner : Mr.M.Muthupandian

For Respondent : Mr.S.Rajesh
Government Advocate



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ORDER

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The writ of Mandamus has been instituted to direct the respondent to sanction increment taking into one year of service rendered by the Petitioner from 01.04.2005 to 31.03.2006 and consequently revise the pension and pay the terminal benefits to the petitioner along with arrears.

2.The writ petitioner joined as Typist on 20.04.1980 in the Revenue Department and he was retired from service on 31.03.2006 on attaining the age of superannuation.

3.When the petitioner retired from service on 31.03.2006, she filed the present writ petition in the year 2017, after a lapse of about 8 years from the date of retirement. The writ petition was instituted at the age of 68 years by the petitioner and now she would be around 73 years.

4.The grievance of the writ petitioner is that the petitioner on attaining the age of superannuation on 31.03.2006, the annual increment for the every year commencing from 01.04.2006 to 31.09.2006 was not sanctioned on the ground that the petitioner had attained the superannuation before



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01.04.2006 i.e., on 31.03.2006. Therefore, the respondent has failed to take into consideration 12 months of service rendered by the petitioner.

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 Government Advocate appearing on behalf of the respondent made a submission that the petitioner retired from service on 31.03.2006 and therefore, the belated claim set out by the petitioner at this length of time is not entertainable.

7. In this regard, petitioner relied on the orders passed by this Court in W.P.No.7187 of 2017 dated 18.10.2022 and paragraph 6 reads as under:

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



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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 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.

8. No doubt, the benefit of the Government Order was extended to the pensioner 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 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 11 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.



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

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Jeni

Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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