



WEB COPY



WP No.30897 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.30897 of 2017

And

WMP No.33820 of 2017

D.Devarajan

..

Petitioner

vs.

1.The State Represented by its
Finance Secretary,
Finance (CMPC) Department,
Fort St. George,
Chennai – 600 009.

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

3.The Chief Elementary Educational Officer,
Vellore,
Vellore District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus calling for the



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records in para 3 of the G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014 of the first respondent and quash the same, consequently direct the respondents to grant a notional increment to the petitioner who retires on superannuation on the preceding day of annual increment due date on 01.10.2003 in light of final order in WP No.12322 of 2017 dated 05.07.2017 accordingly revise the pension and other benefits.

For Petitioner : Mr.T.Suresh

For Respondents : Ms.Mythreye Chandru,
Special Government Pleader.

ORDER

The writ on hand has been filed questioning the validity of Para 3 of G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014.

2. The petitioner is a pensioner, retired from the post of Teacher on 30.09.2003. The petitioner challenges the Para 3 of G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014 to the effect that the Government Order restricts the notional increment only from prospective effect. However, the learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the Government



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issued subsequent order in G.O.Ms.No.98, Human Resources Management (FR~II) Department, dated 21.09.2021 and as per the said Government Order, the petitioner would be eligible for notional increment, since the petitioner retired from service on 30.09.2003 on completion of one year of service. Thus, the respondents are directed to extend the benefit of G.O.Ms.No.98, Human Resources Management (FR~II) Department, dated 21.09.2021 in favour of the writ petitioner and accordingly, grant notional increment as per the rules in force.

3. With this direction, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Finance Secretary,
Finance (CMPC) Department,
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Chennai – 600 009.
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