



W.P.No.31051 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31051 of 2017
and W.M.P.No.33978 of 2017

A.Mary

...Petitioner

Vs.

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

2.The Chief Educational Officer,
Madurai,
Madurai District.

3.The Sub Treasury Officer,
Tirumangalam,
Madurai – 625 008.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, direct the 1st respondent to call for records in para 3 of the G.O.Ms. No.311, Finance (CMPC) Department dated 31.12.2014 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



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increment due date on 01.07.2000 in light of Final order in W.P. No.12322 of 2017 dated 05.07.2017 accordingly revise the pension and other benefits within a specified period.

For Petitioner : Mr.R.Sreedharan
M/s.S.Vijaydharani

For Respondents : Mrs.S.Mythraye 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 Physical Education Teacher on 30.06.1999. 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 brought to the notice of this Court that the Government 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



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retired from service on 30.06.1999 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. No Costs.
Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
SSR

To

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



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S.M.SUBRAMANIAM, J.

SSR

2.The Chief Educational Officer,
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