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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29431 of 2017

J.Borus Minni Bai Vasantha Devi

... Petitioner

-vs-

1. The Director of Elementary Education,
Office of Director of School Education,
D.P.I., College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Vellore,
Vellore District.
3. The Assistant Elementary Educational Officer,
Vellore District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, 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 01.10.2012 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

For Respondents: Mr. P.Balathandayutham,
Special Government Pleader

O R D E R

Heard Mr. R.Sreedharan, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to grant notional increment to the Petitioner who retired on superannuation on the preceding day of annual increment due date on 01.10.2012 in the light of the order dated



05.07.2017 in W.P. No. 12322 of 2017 passed by this Court and accordingly, revise the pension and other benefits within a time limit that may be specified by this Court.

3. Learned Special Government Pleader appearing for the Respondents has brought to notice that after the filing of the Writ Petition, the Government of Tamil Nadu has issued G.O. Ms. No. 140, Finance (Pay Cell) Department dated 25.04.2018 taking into account the various orders passed by this Court in respect of persons similarly placed to the Petitioner, to the following effect:-

"6. After careful consideration of the various judgments passed by the Hon'ble High Court, the Government have decided to comply the orders of the Hon'ble High Court in favour of all eligible retired employees who have completed one full year of service and not sanctioned annual increment due to their superannuation prior to 31.12.2014. Accordingly, Government extend the benefit of sanction of annual increment to all the Petitioner who have filed various Writ Petitions and all other similarly placed persons who retired prior to 31.12.2014 and completed one full year of service prior to their retirement, notionally with effect from the date of their retirement for the purpose of revision of pension with monetary benefit prospectively with effect from 31.12.2014 i.e. from the date of issue of G.O. Ms. No. 311, Finance (CMPC) Department, dated: 31.12.2014.

7. The Government also direct that the rate of notional increment granted above, shall not exceed the eligible rate based on the basic pay drawn by the employee on the date of retirement."

4. In such circumstances, the following order is passed:-

- (i) it shall be incumbent upon the concerned authority to examine the claim made by the Petitioner as to whether he is entitled to the benefit of G.O. Ms. No. 140, Finance (Pay Cell) Department dated 25.04.2018;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording



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full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;

- (iv) if the Petitioner is found entitled to the claim made, the eligible amount shall be disbursed within a period of 30 days from the date of passing of that order, apart from the revised pension for future months on the due dates; and
- (v) the report of completion of the aforesaid exercise shall be filed by 30.09.2022 before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Director of Elementary Education,
Office of Director of School Education,
D.P.I., College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Vellore, Vellore District.
3. The Assistant Elementary Educational Officer,
Vellore District.

Copy to

1. The Registrar (Judicial),
Madras High Court, Chennai - 600 104.
2. J.Borus Minni Bai Vasantha Devi
No.15, Tamilthayam Street, Thimiri,
Arcot Taluk, Vellore District - 632 512.

+lcc to Government Pleader SR.No.38573

W.P. No. 29431 of 2017

BR(CO)

GMV(28/06/2022)