BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.03.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD) No.9527 of 2020

N.V.Gobikannan ... Petitioner

-vs-

1. The Revenue Divisional Officer,
   Devakottai Division,
   Sivagangai District.

2. The Tahsildar,
   Devakottai, Sivagangai District. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent i.e., the Tahsildar, Devakottai in his ந.க.ஆ4/2666/2020 நாள்: 20.07.2020 and quash the same and direct the first and second respondents i.e., the Revenue Divisional Officer, Devakottai Division, Sivagangai District and the Tahsildar, Devakottai to sanction annual increments right from 01.01.2010 to 01.01.2020 after fixing the petitioner's pay as per VIIth Pay Commission and they may also give effect to the stoppage of increment for a period of two years as ordered by the District Revenue Officer, Sivagangai subject to the result of the Revision Petition filed by the petitioner before the Commissioner of Revenue Administration, Chennai within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Ramesh,
Government Advocate

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O R D E R

The order dated 20.07.2020, issued by the Tahsildar, Devakottai, Sivagangai District, is under challenge in the present writ petition.

2. The petitioner is working as Village Administrative Officer, Pagaiani Piranthani Group Village, Devakottai Taluk. Disciplinary proceedings were initiated against the writ petitioner and the same ended with an order of punishment of stoppage of increment for three years without cumulative effect. The petitioner preferred appeal and the said punishment was modified and reduced to stoppage of increment for two years without cumulative effect. The petitioner

submitted an application for grant of annual increments and other benefits. However, the 2nd respondent passed the impugned order stating that the appeal was pending and therefore, the benefits cannot be granted. The very reason stated by the 2nd respondent is not in consonance with the rules in force. There is no bar for the authorities competent to sanction the regular increments, unless there is an impediment under the rules. In the present case, the appeal has already been disposed of and the punishment was reduced as stoppage of increment for two years without cumulative effect. This being the factum, the authorities competent are bound to implement the punishment and grant the regular increment and other consequential benefits as per the pay rules in force to the writ petitioner.

3. This being the factum established, the order impugned, passed by the 2nd respondent in proceedings dated 20.07.2020 is quashed and the respondents are directed to sanction annual increments right from 01.01.2010 onwards along with all other consequential benefits as applicable to the petitioner under the pay rules in force within a period of twelve weeks from the date of receipt of a copy of this order. Punishment of stoppage of increment can also be implemented.

4. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Revenue Divisional Officer,
   Devakottai Division,
   Sivagangai District.
2. The Tahsildar,
   Devakottai, Sivagangai District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-14791[F] dated 28/03/2022)
+1 CC to M/s.SPL GP (SR-14897[F] dated 28/03/2022)

W.P.(MD) No.9527 of 2020
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