



W.P.No.2582 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.07.2023**

CORAM :

THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

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M.Thambusami

... Petitioner

Versus

- 1.The Union of India,
Rep.by the Secretary to Ministry of Home Affairs,
North Block Secretariat,
New Delhi.
- 2.The Director General,
CRPF, CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 3.The Special Director General of Police,
South zone, CRPF,
Chandrankutta,
Hyderabad – 500005.
- 4.The Inspector General of Police,
Southern Sector, CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony, Gayathri Hills,
Hyderabad – 500033.
- 5.The Director of Accounts,
PAO, CRPF,
No.14, PSP -2, Rohini Sector -23,
New Delhi – 110 085.



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6. The Commandant,
77 Battalion, CRPF,
Special Jail Complex,
Poonamalee,
Chennai – 600 056.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the representation dated 10.01.2020 of the petitioner and to grant one notional increment to him for the period from 1st July 2011 to 30th June 2012 and re-fix his pension by adding one notional increment and subsequently re-fix the pension after the seventh Central Pay Commission and the arrears thereof be paid to him within the time that may be fixed by this Court.

For Petitioner : Mr. R. Meenakshi

For Respondents : Mr. S. Diwakar

ORDER

This Writ Petition has been filed, seeking a direction to direct the respondents to consider the representation dated 10.01.2020 of the petitioner and to grant one notional increment to him for the period from 1st July 2011 to 30th June 2012 and re-fix his pension by adding one notional increment and subsequently re-fix the pension after the seventh Central Pay Commission and the arrears thereof be paid to him within the time that may be fixed by this Court.



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2.The case of the petitioner is that he retired as Deputy Commandant in Central Reserve Police Force on superannuation with effect from 30.06.2012. During the implementation of the 6th Pay Commission, the Central Government had fixed the 1st of July of every year as the date of increment for all employees. The grievance of the petitioner is that since his retirement had fallen on 1st July 2012, he was not given an increment by treating him as he was on duty. According to the petitioner, though the increment was fixed on 1st July, he completed one year of service from 1.07.2011 to 30.06.2012, he is entitled to one notional increment as on his retirement date i.e., on 01.07.2012 and revision of his pension accordingly. In this regard, he made representation to the respondents dated 10.01.2020, seeking to grant one notional increment and to revise his pension. Since no response is forthcoming from the respondents despite the representations, the petitioner is before this Court.

3.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the material records of the case.



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4.The issue involved in this Writ Petition has been covered by the order of this Court dated 15.09.2017 in W.P.No.15732 of 2017, wherein, under similar circumstances, this Court has observed as under:

“7.The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

5.In view of the above, this Court is of the view that the above said order will hold good to the present writ petition also, accordingly, the second respondent is hereby directed to consider the petitioner's representation dated 10.01.2020 and pass an appropriate order in accordance with the law, within a period of eight weeks from the date of receipt of a copy of this order.



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6.The Writ Petition is disposed of with the above direction and observation. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To:

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