



W.P.No.21578 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21578 of 2015

C.H.Manohar

... Petitioner

Vs.

The State of Tamilnadu represented by

1.The Special Secretary to Government,
Finance (T&AI) Department,
Fort St.George,
Chennai-9

2.The Principal Secretary,
Commissioner of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai-15

3.The Accountant General (A&E),
182, Anna Salai,
Teynampet,
Chennai-6

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned orders namely letter No.33649/T&A I/ 2010 dated 26.02.2011 issued by first respondent and letter No.13558/2009/C2



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dated 11.06.2010 of the second respondent, quash the same and consequentially to direct the respondents to issue orders restoring annual increments from July 1982 and to revise consequentially the petitioners pay and pension till date and to pay all consequential benefits including the arrears of pay and pension from July 1982 to till date and to pay the benefits within the time frame as may be fixed by this Court.

For Petitioner : Mr.C.H.Manohar
(party-in-person)

For Respondents
For R1 : Ms.Akhila Rajendran
Government Advocate

For R3 : Mr.V.Vijayshankar

ORDER

This writ petition has been filed challenging the orders namely letter No.33649/T&A I/ 2010 dated 26.02.2011 issued by first respondent and letter No.13558/2009/C2 dated 11.06.2010 of the second respondent, thereby rejected the request for sanction of increment from the date of temporary promotion to the post of Accountant.



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2. Heard, Mr.C.H.Manohar who is the petitioner appearing as party-in-person, Ms.Akhila Rajendran, Government Advocate for the first respondent and Mr.V.Vijayshankar, the learned counsel for the third respondent.

3. The petitioner initially joined as Junior Assistant and thereafter he was regularised with effect from 16.09.1974. He had passed Account Test for Subordinate Officers Part-I and Part-II and District Office Manual before completion of his probation. He was given temporary promotion with effect from 01.09.1976 under Rule 39 (a) (i) of Tamilnadu State and Subordinate Service Rules before completion of probation which a major condition prescribed for regular promotion as per Rule 36 (a) of Tamilnadu State and Subordinate Service Rules. After completion of probation, on 15.09.1976, he was fully qualified for promotion. However, his post was regularised only from 15.03.1977. Further, he was retired from service from the post of Treasury Officer as on 31.03.2011. Instead of refixation of pay on the date of regularisation and computing the service from the date as per Rule 4 under FR 22-B,



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Government have ordered debarring the refixation but to sanction increments to the unqualified temporarily promoted Assistant Section Officers notionally computing the unqualified period from the date of their first temporary appointment till the date of regularisation of the services with monetary effect from the date of regularisation. According to the petitioner, he was temporarily promoted before completion of his probation and his services were regularised from later date. Therefore, he made representation to restore his annual increment from July every year in the post of Assistant on the same analogy.

4. The petitioner was working as Junior Assistant in the erstwhile North Arcot District Treasury Unit. He was temporarily promoted as Assistant under General Rule 39 (a) (i) of the General Rules for Tamilnadu State and Subordinate Services with effect from 01.09.1976. Even though he had not completed his period of probation in the post of Junior Assistant, his salary was fixed at Rs.250/- with effect from the date of his temporary promotion to the post of Accountant namely 01.09.1976 in the time scale of pay Rs.250-10-300-15-450.



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Similarly placed Junior Assistants were regularised with effect from 16.09.1974 and subsequently, they were given promotion to the post of Assistant with effect from 01.09.1976. Two of his colleagues were similarly given temporary promotion with effect from 01.06.1976. However, both were belong to other unit and that unit officer might have fixed their pay taking into consideration of various facts. After a lapse of nearly 40 years, the petitioner claimed refixation of his salary on par with similarly placed persons who were considered for their temporary service for fixation of pay. The petitioner was given temporary promotion with effect from 01.09.1976 and he has not reached higher than this pay in the feeder category. Hence minimum pay fixed correctly as per Rule FR 22 B. Services of the temporarily promoted Accountants were regularised with effect from 15.03.1977.

5. Further on account of district wise seniority up to the level of Accountant in Treasuries and Accounts Department as per Rule 18 of Tamilnadu Ministerial Services Rule. G.O.Ms.No.358 (P&AR) Department dated 13.06.1990 were extended to the employees of the



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High Court on par with Assistant Section Officers of Secretariat vide GO.Ms.No.188, Home(Court V) Department dated 02.02.2007 based on the orders passed by this Court. Therefore, G.O.Ms.No.358 (P&AR) Department dated 13.06.1990 could not be considered. Such orders were specifically intended to the Assistant Section Officers of Secretariat.

6. Therefore, the request made by the petitioner was rightly rejected and this Court finds no infirmity or illegality in the impugned orders. As such, this writ petition lacks of merits. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

10.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Chennai-9
- 2.The Principal Secretary,
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Panagal Building,
Saidapet,
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- 3.The Accountant General (A&E),
182, Anna Salai,
Teynampet,
Chennai-6
4. The Public Prosecutor,
High Court, Madras.

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