IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.13638 of 2020

A.Rajendren ... Petitioner

/vs/

1. The Commissioner of Revenue Administration,
   Chepauk, Chennai – 600 005.

2. The Commissioner,
   Treasury Auditing,
   3rd Floor,
   No.571, Anna Salai,
   Nandanam, Chennai – 35.

3. The Tahsildar,
   Taluk office,
   Omalur Taluk,
   Salem District.

4. The asst., Treasury Officer,
   Sub-Treasury Office,
   Omalur, Salem District. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to pass the bill submitted by 2nd respondent in his proceeding Na.Ka.3/2019/A4 dated 21.10.2019 by granting an additional increment of 3% to the petitioner as per G.O.Ms.No.237 finance (pay cell) department dated 22.07.2013.

For Petitioner ... Mr. M.Elango

For Respondents ... Mr. T.Arun Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of a writ of mandamus directing the third respondent to pass the bill submitted by 2nd respondent in his proceeding Na.Ka.3/2019/A4 dated 21.10.2019 by granting an additional increment of 3% to the petitioner as per G.O.Ms.No.237 finance (pay cell) department dated 22.07.2013.

2. The learned counsel for the petitioner submitted that even before filing the writ petition, the petitioner has given a representation to the second respondent to offer advice on the audit remarks made on the bill submitted by the fourth respondent on behalf of the petitioner.

3. The learned Additional Government Pleader for the respondent submitted that once a bill is returned due to audit remarks, the concerned official has to represent it by complying the audit remarks and the petitioner cannot seek any explanation about the act of the audit remarks.

4. The records would show that the Tahsildar, Omalur, who is the third respondent is said to have complied the audit remarks by offering due explanation. However on the RTI application filed by the petitioner, a reply has been given by the office of the Accountant General in which it is clarified that the persons like the petitioner are entitled to 3% additional increment in view of the fact that the Government Order applicable for this subject i.e. G.O.237 Finance (Pay cell) Department dated 22.07.2013, does not exclude the persons like the petitioners.

5. Since it is a reply given to an RTI application, the office of AG has limited its authority by giving just information and has not issued any direction to any public authority. The petitioner had rightly approached the Court for granting a writ of mandamus in the light of RTI information furnished to him.

6. Since the petitioner's entitlement has been clarified in view of the letter dated 21.02.2020, I feel it is appropriate to direct the fourth respondent to pass the bill submitted by the third respondent for granting

an additional increment of 3% to the petitioner as per G.O.Ms.No.237 Finance (Pay Cell) department dated 22.07.2013 within a time frame.

7. In view of the reasons stated above, this Writ Petition is allowed and the fourth respondent is directed to pass the bill submitted by the third respondent for granting an additional increment of 3% to the petitioner as per G.O.Ms.No.237 Finance (Pay Cell) department dated 22.07.2013 within period of four weeks from the date of receipt of a copy of this order. No costs.

18.10.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn

To:

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   Chepauk, Chennai – 600 005.

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R.N.MANJULA ,J.

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