



W.P.No.14450 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14450 of 2020

K.Sangiah Pandian

... Petitioner

-VS-

1.The Chairman,
Airports Authority of India,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi - 110 003.

2.The Secretary Ministry of Civil Aviation,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi - 110 003.

3.The Regional Executive Director,
Airports Authority of India,
Southern Region, Chennai - 27.

Respondents

...

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the respondents



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to Sanction one increment to the petition for the preceding year i.e., 01.04.2018 to 31.03.2019 and consequently revise the pension also accordingly as thus render justice.

For Petitioner : Mr.M.V.Venkateshan

For Respondents : Ms.A.Arul Mary

ORDER

Learned counsel for the petitioner and learned counsel for the respondents are present. Learned counsel for the petitioner submitted that the one year increment to the petitioner for the preceding year 01.04.2018 to 31.03.2019 on the revised pension for the petitioner was not settled, since the second pay commission came at 01.04.2019. The learned counsel appearing for the petitioner relied upon the Judgment of this Court reported in *The Director (Admn. and HR) KPTCL and others -vs- C.P.Mundinamani and others* reported in *Civil Appeal No.2471 of 2023* is extracted hereunder:

"4. Learned counsel appearing on behalf of the



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respective employees - respondents, has heavily relied upon the decision of the Madras High Court in the case of P.Ayyamperumal (supra) and the decisions of the Gujarat High Court, the Delhi High Court, the Allahabad High Court, the Madhya Pradesh High Court and the Orissa High Court taking the view that the concerned employees who earned the annual increment for rendering one year service prior to their retirement they cannot be denied the benefit of the annual increment which they actually earned, solely on the ground that they retired on attaining the age of superannuation on the very next day. It is submitted that therefore, the Division Bench of the High Court has not committed any error in allowing one annual increment in favour of the respective employees which they actually earned."

6.5. ----- A Government servant is granted the annual increment on the basis of his good conduct while rendering one year service. Increments are given annually to officers with good conduct unless such increments are withheld as a measure of punishment or linked with efficiency.



Therefore, the increment is earned for rendering service with good conduct in a year / specified period. Therefore, the moment a government servant has rendered service for a specified period with good conduct, in a time scale, he is entitled to the annual increment and it can be said that he has earned the annual increment for rendering the specified period of service with good conduct. -----"

2. In view of the above Judgment of the Hon'ble Apex Court of India the petitioner is entitled for annual increment for one year for the preceding year 01.04.2018 to 31.03.2019.

3. In the result, writ petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No

To

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