



WP No.33563 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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1.S.Muthukrishnan
2.N.Mohan
3.P.Kathiresan
4.V.Murugesan
5.S.Karuppiah
6.M.Ramamoorthy
7.K.Sivan
8.P.Kalidoss
9.G.Munirdeen Sheriff
10.A.Muniyandi
11.S.S.Rajendran
12.M.Sivasankaran
13.A.Muthiah

... Petitioners

versus

1.The General Manager,
Southern Railway,
Park Town,
Chennai- 600 003.



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2.Senior Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai -625 010.

3.Assistant Personnel Officer/M&E,
Southern Railway,
Madurai Division,
Madurai-625 010.

4.The Secretary,
Railway Board,
Rail Bhavan,
New Delhi-110 001.

5.The Secretary,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances
and Pension,
North Block,
New Delhi-110 001.

6.The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai-600 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari and Mandamus,

(i) to call for the records pertaining to Original Application No.498 of 2019 on the files of the Central Administrative Tribunal, Madras Bench and to quash the orders dated 24.04.2019 and consequently

(ii) to direct the respondents 1 to 3 to grant one notional increment to the petitioners as on 1st July of their year of retirement, revise their last pay drawn and consequently to revise the basic pension of the petitioners as per their entitlement.



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For the Petitioners :Mr.R.Pandian

For the Respondents :Mr.P.T.Ramkumar
Standing Counsel
for respondents 1 to 4
fifth respondent-No appearance
sixth respondent-Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

Challenging the order dated 24.04.2019, passed by the Tribunal in OA No.498 of 2019, the petitioners have filed the present writ petition before this Court.

2. It is brought to the notice of this Court that following the decision of the Hon'ble Supreme Court in the case of ***Director (Admin. and Hr) Kptcl and Others vs C.P.Mundinamani and others, reported in 2021 SCC Online SC 401***, this Court in WP No.17116 of 2020 dated 11.09.2023, has passed an order in favour of the employees.



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3. The relevant portion of the order dated 11.09.2023 in WP No.17116 of 2020 is extracted hereunder:

3.The learned counsels appearing on either side do not dispute the fact the issue involved in these writ petitions is covered by a decision of the Hon'ble Supreme Court in the case of Director(Admin, And HR) KPTCL and others vs C.P.Mundinamani and others) reported in 2021 SCC Online SC 401, wherein, the issue as to whether an employee, who has earned annual increment is entitled to receive same despite the fact that he has retired on the very next day of earning the increment is decided in favour of the employees. For better appreciation, the relevant para of the said decision is extracted hereinbelow:-

'20 Similar view has also been expressed by different High Courts, namely, the Gujarat High Court, the Madhya Pradesh High Court, the Orissa High court and the Madras High Court. As observed hereinabove, to interpret Regulation 40(1) of the Regulations in the manner in which the appellants have understood and/or interpreted would lead to arbitrariness and denying a government servant the benefit of annual increment which he has already earned while rendering



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specific period of service with good conduct and efficiently in the last proceeding year. It would be punishing a person for no fault of him. As observed hereinabove, the increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided. It the interpretation as suggested on behalf of the appellants and the view taken by the Full Bench of the Andhra Pradesh High Court is accepted, in that case it would tantamount to denying a government servant the annual increment which he has earned for the services he has rendered over a year subject to his good behaviour. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and become payable on the succeeding day. In the present case the word "accrue" should be understood liberally and would mean payable on the succeeding day. Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant'



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4. Learned counsel for both parties submit before this Court that the decisions of the Hon'ble Supreme Court cited supra as well as the order of this Court, dated 11.09.2020 passed in WP No.17116 of 2020, squarely apply to the facts of the present case. Hence, on the same line, orders may be passed in this writ petition.

5. In view of the submissions made by both the parties and following the decision cited supra, the writ petition is also liable to be allowed. Accordingly, the writ petition is allowed, impugned order dated 24.04.2019 passed by the Tribunal in OA No.498 of 2019, is set aside and consequently, respondents 1 to 3 are directed to grant one notional increment to the petitioners as on 1st July of their year of retirement, revise their last pay drawn and consequently revise the basic pension of the petitioners as per their entitlement, within a period of four months from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, WMP No.33563 of 2019, is closed.

[D.K.K., J.] [P.D.B., J.]
10.11.2023

Index : Yes/No

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Neutral Citation : Yes/No

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