



W.A.(MD).No.142 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.142 of 2016
and
C.M.P.(MD).No.642 of 2016

The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

.. Appellant/Respondent

Vs.

C.N.Dharmarajan

..Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to allow this Writ Appeal by setting aside the order dated 08.04.2015 made in W.P. (MD).No.5182 of 2015 on the file of this Court.

For Appellant : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent : No appearance



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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeal has been instituted challenging the order dated 05.04.2015 passed in W.P.(MD).No.5182 of 2015.

2. It is not in dispute that the respondent was holding the post of Sub Inspector of Police and retired from service on 30.06.2012 on attaining the age of superannuation. The respondent filed a Writ Petition seeking the annual increment, since he had completed one year of service as on the date of his retirement, i.e., 30.06.2012. The learned Single Judge considered the Government Order issued in G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014 and held that the respondent is entitled to get one increment from 01.07.2011 to 30.06.2012 for the one year of service rendered by him on the date of his retirement.

3. The learned Additional Government Pleader appearing for the appellant mainly contended that the Government Order issued in



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G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014 cannot be applied with retrospective effect. In the present case, the respondent was allowed to retire on 30.06.2012 and as on the date of his retirement, the Government Order was not in force. Therefore, the order passed by the learned Single Judge is to be set aside.

4. The concept of grant of annual increment on completion of one year was considered by the Government and G.O.Ms.No.311 was issued. Even in the absence of the said Government Order, an employee, who has completed one year of service, is entitled to get one increment as per the fundamental rules. In the present case, though the Government Order was issued in the year 2014, pursuant to the order passed by the High Court, even prior to the issuance of Government Order, the employees on completion of one year are entitled to get one increment for the services already rendered. That being the concept to be adopted for grant of annual increment in accordance with the fundamental rules, the findings made by the learned Single Judge is in consonance with the fundamental rules and there is no infirmity as such.



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5. Accordingly, the Writ Appeal is devoid of merits and stands dismissed. However, it is made clear that belated claims for grant of annual increment cannot be entertained, since it will open pandora's box. All claims made within the reasonable period alone is to be considered and in this case, claim has been made by the respondent within a reasonable period. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
06.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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