



W.P(MD)No.26661 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26661 of 2023

P.Sundar

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District.

2.The District Educational Officer,
O/o. The District Educational Officer,
Mani Nagar, Sivakasi,
Satchiyapuram,
Virudhunagar District.

3.The Nadar George High School,
Represented by the Secretary,
Thayilpatti, Sivakasi,
Virudhunagar District-625 128.

4.The Head Master,
The Nadar George High School,
Thayilpatti, Sivakasi,
Virudhunagar District-625 128.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to sanction the Annual Increments for the period from 2020 - 2023 to the petitioner in light of Fundamental Rule 24(6) and in



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W.P.(MD) No.18139 of 2015, dated 09.03.2017 by considering the representation made by the petitioner, dated 09.10.2023 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Junior B.T Assistant Teacher, who is working in the 3rd respondent school seeking a Mandamus to sanction annual increment from the year 2020 onwards.

2. The petitioner was suspended from service on 13.09.2018 on the ground that a criminal case has been filed as against him. Later, the suspension was revoked on 21.02.2020. Even though no charge memo was issued to the writ petitioner, annual increments to the writ petitioner from 2019 onwards were not disbursed. Hence, the present writ petition.

3. The learned counsel appearing for the writ petitioner brought to the notice of the Court that pendency of charges as against a Government servant is not a bar for authorising increments.



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4. Fundamental Rule 24(6) is extracted as follows:

“(6) Under Fundamental Rule 24 an increment shall ordinarily be drawn as a matter of course unless it is withheld. Therefore, the fact that charges are pending against an officer is not an adequate reason for not authorising the increments due to him. If the penalty of stoppage of increment is imposed on him as a result of the charges against him, his next increment can be withheld as there is no objection to withholding it subsequent to the period of service to which the charges relate.”

5. In view of the fact that so far no charge memo has been issued to the writ petitioner, the 2nd respondent herein is directed to consider the request of the writ petitioner for payment of annual increments from the year 2019 onwards in the light of Fundamental Rule 24(6) which has been extracted as above. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

23.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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O/o. The Chief Educational Officer,
Virudhunagar District.
 - 2.The District Educational Officer,
O/o. The District Educational Officer,
Mani Nagar, Sivakasi,
Satchiyapuram,
Virudhunagar District.



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.26661 of 2023

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