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W.P.No.4967 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.4967 of 2020

R.Thanaraja

Vs.

Petitioner

1. The Principal Chief Security Commissioner,
Railway Protection Force,
Southern Railway, 6th Floor,
Moore Market Complex,
Chennai - 600 003.
2. The Financial Advisor and Chief Accounts Officer,
Southern Railway,
Office of the General Manager,
Chennai - 600 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent relating to the impugned order dated 03.02.2020 and quash the same, and consequently direct the Respondents to grant the petitioner notional increment for the period from 01.07.2017 to 30.06.2018 and consequential pensionary benefits in accordance with such notional increment.



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For Petitioner : Mr.A.J.Alwin Prabhakar

For Respondents : Mr.P.T.Ramkumar,
Standing counsel

ORDER

The petitioner who had attained the age of superannuation on 30.06.2018 has filed this Writ Petition for granting notional increment for the period from 01.07.2017 to 30.06.2018 and consequential pensionary benefits.

2. The learned counsel for the petitioner submitted that even though the petitioner was retired on 30.06.2018, he has completed one year from 01.07.2017 to 30.06.2018 and his last increment due falls on 01.07.2018. According to the petitioner, though the petitioner got retired on 30.06.2018, one day prior to the date on which the increment has to be implemented.

3. The position on this issue has been well settled by the Hon'ble Supreme Court in ***Director (Admn. and HR) KPTCL and ors. Vrs C.P.Mundinamani and ors.*** reported in ***2023 SCC Online SC 401*** wherein



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it has been held that the entitlement to receive increment crystallises when the Government servant completes the requisite length of service with good conduct and becomes payable on the succeeding day. It has been further observed that the word 'accrue' should be understood liberally and it would mean payable on the succeeding day. By holding that any contrary view leads to arbitrariness and unreasonableness in denying a Government servant legitimate one annual increment for one year service, the Hon'ble Supreme Court has disposed of the case.

4. Since the petitioner's case squarely falls under the same, this Writ Petition is liable to be allowed. Accordingly, the Writ Petition is allowed. The order passed by the 2nd respondent, dated 03.02.2020 is hereby set aside. The respondents are directed to grant one notional increment from 01.07.2017 to 30.06.2018 and consequential pensionary benefits to the petitioner. No costs.

05.01.2024

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



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R.N.MANJULA ,J.

vum

To:

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