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W.P.No.19210 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.19210 of 2021

Baskaran

... Petitioner

Vs.

1. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to consider the representation of the petitioner, dated 11.03.2020 and sanction one annual increment for the year 2016 based on Government Letter No.4603/C1/2016, dated 16.02.2017 and pay by revising the petitioner salary for the purpose of settlement of terminal benefits and pay the difference amount in leave surrender salary, Gratuity and pension along with 7th pay commission fixation.



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According to the petitioner, though the petitioner has retired on 31.03.2016, one day prior to the date on which the increment has to be implemented as per the Government Order in G.O.Ms).No.311/Fin(CMPC) Department, dated 13.12.2014 and Government Letter No.4603/C1/2016, dated 16.02.2017.

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 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.



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R.N.MANJULA ,J.

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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 respondents are directed to grant one notional increment to the petitioner from 01.04.2015 to 31.03.2016 and consequential pensionary benefits to the petitioner. No costs.

19.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation,
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