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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-03-2024

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**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.21142 of 2022
And
WMP No.20138 of 2022**

N.Deivanai

.. Petitioner

-VS-

- 1.Union of India,
Represented by its Chief Secretary,
Government of Puducherry,
Puducherry.
- 2.Special Officer-cum-Additional Sub Judge,
Judicial Department,
District Court,
Puducherry.
- 3.The Director,
Directorate of Accounts and Treasuries,
Puducherry.



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4. Junior Accounts Officer,
Directorate of Accounts and Treasuries,
Puducherry.

5. The Treasury Officer,
Treasury,
Puducherry.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 15.07.2019 No.155669/DAT/Pen-II /B8/2019 passed by the fourth respondent and quash the same and consequently direct the fourth respondent to consider the date of retirement of the applicant as 01.07.2019 instead of 30.06.2019 and thus grant her the consequential retirement benefits including the corresponding pensionary benefits, with interest at the rate of 18% per annum with effect from 01.07.2019 till the date of disbursement.

For Petitioner : Mr.T.Vijay for Mr.E.V.Chandru

For Respondents : Mr.V.Vasanthakumar,
Additional Government Pleader
(Puducherry).



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ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The order of rejection rejecting the claim of the writ petitioner for grant of one increment on completion of one year of service on the date of her retirement i.e., on 30.06.2019, is under challenge in the present writ petition.

2. The writ petitioner was appointed as Junior Grade Stenographer in Judicial Department on 06.02.1981. She had retired from service on 30.06.2019 on attaining the age of superannuation and by completing 38 years of service in the Judicial Department.

3. The grievance of the petitioner is that she had completed one year of service as on the date of her retirement on 30.06.2019. However, the increment was not granted on the ground that the petitioner was not in service on 01.07.2019. Thus the present writ petition came to be instituted.



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4. Mr.T.Vijay, learned counsel for the petitioner would submit that the issues regarding the grant of increment on completion of one year of service is no more *res integra*. The Government of Tamil Nadu issued G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014, granting such benefit extending such benefits on completion of one year of service to all the employees. The Division Bench of this Court in WP No.15732 of 2017 dated 15.09.2019, in paragraph-7, made the following observations:-

“7.The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed



one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

5. In view of the principles laid down by the Division Bench of this Court, the petitioner is entitled for one increment on completion of one year of service on the date of her retirement on 30.06.2019.

6. Mr.V.Vasanthakumar, learned Additional Government Pleader (Puducherry) for the respondents, would oppose the contentions raised on behalf of the petitioner by stating that the benefit was granted to the employees, who have retired after 30.06.2023. The letter issued by the Assistant Controller and Audited Accountant General dated 18.01.2024 reveals that the decision was taken by the Office of the Controller and Audited General of India, based on the judgment of the Supreme Court, allowing grant of one annual increment to the employees retired on 30th June/31st December, which they earned on the last day of their service for rendering one year qualifying service.



7. Though the Union Territory of Pondicherry extended the benefit based on the Supreme Court judgment with effect from 30.06.20203, we are of the opinion that the grant of increment is admissible under the Rules, even prior to the judgment of the Supreme Court. An employee on completion of one year of service is entitled to get one increment. The petitioner was receiving such increments all along through out her service. While-so, the last increment due on 01.07.2019 has to be paid to the petitioner, since she had completed one year of service on 30.06.2019 on the date of retirement. The petitioner was in service till 30th midnight of 30.09.2019 and therefore, she had completed one full year of service and thus the order of rejection is in violation of the increment policy to be extended to the employees.

8. In view of the facts and circumstances, the order impugned in proceedings No.155669/DAT/Pen-II /B8/2019 issued by the fourth respondent dated 15.07.2019, is quashed and consequently, the respondents are directed to grant one increment for completing one year of service to the petitioner and accordingly calculate the terminal and pensionary benefits and settle the same, within a period of twelve weeks from the date of receipt



of a copy of this order.

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9. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

01-03-2024

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

- 1.The Chief Secretary,
Union of India,
Government of Puducherry,
Puducherry.
- 2.Special Officer-cum-Additional Sub Judge,
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District Court,
Puducherry.
- 3.The Director,
Directorate of Accounts and Treasuries,
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