



W.P.No.32120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32120 of 2023

R.Mani

.. **Petitioner**

Vs.

1.The Government of Tamil Nadu
Rep.by its Additional Chief Secretary
Transport Department
Secretariat, Fort.St.George
Chennai – 600 009.

2.The Managing Director
State Express Transport Corporation TN Ltd.,
Pallavan Salai, Chennai – 600 002.

.. **Respondents**

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents for granting increment for the service rendered for the period from 01.07.2021 to 30.06.2022 and all consequential benefits including the pensioner benefits based on the petitioner's representation dated 23.10.2023 following the order passed by the Government of Tamil Nadu in G.O.Ms 311, Finance (CMPC)



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Department, Dated 31.12.2014 and in the light of the decision of the Honorable Division Bench of Madras High Court in W.P. No-15732 of 2017, Dated 15.09.2017 and in the light of the decision of the Honorable Supreme Court of India in Civil Appeal No 2471 of 2023 dated 11.04.2023 within a time frame

For the Petitioner : Mr.V.S.Jagadeesan

For the Respondents : Mr.P.Ganesan, GA
for R1
Mr.S.Sivasubramani for R2

ORDER

This is yet another case relating to the predicament of the persons who retire in the month of June.

2. Increment in the Government service is granted on 1st July of every year, for the period already worked, i.e., from 1st July to 30th June of every year. In so far as the persons who are retiring in the month of June, they will retire on 30th June. Therefore, they complete the entire service period, for



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which the increment is granted, but the day on which the increment has to be granted i.e., on 1st July, they retire from service. Therefore, that increment is not granted. The said grievance has already come before this Court and it has been answered in favour of the employees. To quote, the Judgment of the Division Bench of this Court in W.A.No.15732 of 2007, dated 15.09.2017 has considered the very same issue and allowed the Writ Petition on the following terms. It is essential to extract paragraph No.7 of the said Judgment:

"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. "

3. Similar orders have been passed by the Hon'ble Supreme Court in



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Civil Appeal No.2471 of 2023 dated 11.04.2023 in the case of ***The Director (Admn and HR) KPTCL & Ors. Vs. C.P.Mundinamani and Ors.,*** It is essential to extract paragraph No.7 of the said Judgment, which reads as follows:-

“7.In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.”

4. Further, the learned counsel for the petitioner also relied upon the other orders passed by this Court in W.P.(MD) No.15178 of 2020 and W.A.No.381 of 2024 etc.,.

5. The learned counsel for the respondents is not in a position to differentiate the case of the petitioner from other cases.



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6. Therefore, it goes without saying that the petitioner is also entitled to one increment. Accordingly, this Writ Petition is disposed of on the following terms:-

(i) The respondents are directed to grant one increment for the services of the petitioner rendered between 01.07.2021 to 30.06.2022 and consequentially calculate the last drawn pay and other consequential and terminal benefits;

(ii) The petitioner will also be entitled to all the arrears, however without any interest;

(iii) The respondents shall carry out the above exercise within a period of eight weeks from the date of receipt of a copy of this order.

(iv) No costs.

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Index : Yes
Neutral Citation : Yes



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Speaking order : Yes

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D.BHARATHA CHAKRAVARTHY, J.

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To

1.The Additional Chief Secretary
Government of Tamil Nadu
Transport Department
Secretariat, Fort.St.George
Chennai – 600 009.

2.The Managing Director
State Express Transport Corporation TN Ltd.,
Pallavan Salai, Chennai – 600 002.

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