



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-03-2024

CORAM

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

WP Nos.33309, 33312 and 33316 of 2023

And

WMP Nos.33050, 33053 and 33056 of 2023

P.Vijayakumar
T.Palanisamy
R.Renganathan

.. Petitioner in WP 33309/2023
.. Petitioner in WP 33312/2023
.. Petitioner in WP 33316/2023

-VS-

The State of Tamil Nadu Represented
by its Secretary to Government,
Home (Courts-IV) Department,
Secretariat,
Chennai-9.

.. R-1 in all WPs

The Principal Accountant General of Tamil Nadu,
Office of the Principal Accountant General (Accounts and
Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai-600 018.

.. R-2 in all Wps



The Member Secretary,
Tamil Nadu State Legal Services Authority,
North Fort Road,
Chennai-104.

.. R-3 in all WPs

The Chairman/Principal District Judge,
District Legal Services Authority,
Combined Court Buildings,
Thanjavur.

.. R-4 in WPs 33309 and 33312/2023

The Chairman/Principal District Judge,
District Legal Services Authority,
Combined Court Buildings,
Coimbatore.

.. R-4 in WP 33316/2023

WP 33309 of 2023 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 26.07.2023 made in PAG/Legal Cell/TNSLA/2023-24/587, quash the same and consequently issue necessary directions, directing the second respondent to sanction the benefit of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 sanctioning one increment at the rate of 3% of basic pay in the same level as stagnation increment notionally with effect from 01.05.2016 to 30.09.2017 and with monetary benefit from 01.10.2017 to 31.05.2018 (i.e., upto his retirement) and then retirement and pensionary benefits.



WEB COPY

WP 33312 of 2023 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 26.07.2023 made in PAG/Legal Cell/TNSLA/2023-24/587, quash the same and consequently issue necessary directions, directing the second respondent to sanction the benefit of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 sanctioning one increment at the rate of 3% of basic pay in the same level as stagnation increment notionally with effect from 01.09.2017 and with monetary benefit from 01.10.2017 to 30.04.2018 on which date the petitioner retired.

WP 33316 of 2023 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 26.07.2023 made in PAG/Legal Cell/TNSLA/2023-24/587, quash the same and consequently issue necessary directions, directing the second respondent to sanction the benefit of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 sanctioning one increment at the rate of 3% of basic pay in the same level as stagnation increment notionally with effect from 01.01.2016 to 30.09.2017 and with monetary benefit from 01.10.2017 to 31.08.2018 on which date the petitioner retired.

For Petitioner in all WPs : Mr.C.Sivanesan



For Respondent-1 in all WPs : Ms.M.Jayanthi,
Additional Government Pleader,

For Respondent-2 in all WPs : Mr.V.Vijayshankar

For Respondent-3 in all WPs : Mr.Sai Srujan Tayi

COMMON ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The order of rejection rejecting the claim of the writ petitioners for grant of bonus increment on completion of 30 years of service under the Scheme of Pay Commission, is under challenge in the present writ petition.

2. The petitioners were initially served in the erstwhile Tamil Nadu State Legal Aid and Advisory Board, which is a registered Society under the Tamil Nadu Societies Registration Act. In view of the Legal Services Authorities Act, 1987, the employees of the erstwhile Board were absorbed in the District Level and State Level Legal Services Authority.



3. It is not in dispute that the petitioner served continuously and retired from service on attaining the age of superannuation on 31.05.2018.

4. The stagnated employees without any promotional avenues are granted the benefit of Selection Grade, Special Grade and Bonus increment. Employees stagnated for 10 years, are eligible for Selection Grade, twenty years for Special Grade and 30 years for Bonus increment. For availing the benefit of Selection Grade, Special Grade and Bonus increment, an employee must have completed 10 years at each stage and 30 years in total. The Scheme applicable to all Government Servants across the State of Tamil Nadu indicates that on completion of 10 years of service Selection Grade is to be granted, on completion of 20 years of service, Special Grade and 30 years of total service, for bonus increment.

5. In the present cases, the Selection Grade was awarded to all the writ petitioners on 27.06.1999. The Special Grade was granted with effect from 27.06.2009. However, before completion of 10 years of service in the Special Grade, the petitioners had retired from service on attaining the



WEB COPY



age of superannuation.

6. Since the petitioners have not completed 10 years of service in the Special Grade, they became ineligible to avail the benefit of bonus increment as per the Pay Rules and Government Orders in force. Thus we do not find any infirmity in respect of the decision taken by the respondents in the impugned order and consequently, the present writ petition stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petitions are also dismissed.

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

04-03-2024

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



To

WEB COPY

1. The Secretary to Government,
State of Tamil Nadu Represented
Home (Courts-IV) Department,
Secretariat,
Chennai-9.
2. The Principal Accountant General of Tamil Nadu,
Office of the Principal Accountant General (Accounts and
Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai-600 018.
3. The Member Secretary,
Tamil Nadu State Legal Services Authority,
North Fort Road,
Chennai-104.
4. The Chairman/Principal District Judge,
District Legal Services Authority,
Combined Court Buildings,
Thanjavur.
5. The Chairman/Principal District Judge,
District Legal Services Authority,
Combined Court Buildings,
Coimbatore.



WEB COPY



WP Nos. 33309, 33312 and 33316 of 2

S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

Svn

WPs 33309, 33312 and 33316 of 2023

04-03-2024