



W.A.(MD).No.814 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.814 of 2018

N.Radhakrishnan

... Appellant / Petitioner

Vs.

1.The Account General (A & E),
Office of the Accountant General,
Chennai – 18.

2.The Assistant Elementary Educational Officer,
Vilathikulam,
Thoothukudi District.

3.The Government of Tamil Nadu,
Represented through its Secretary,
Finance Department,
St.George Fort,
Chennai.

... Respondents/ Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to allow the Writ Appeal by setting aside the order passed in W.P.(MD).No.3687 of 2011 dated 24.01.2018 on the file of this Court.



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For Appellant : Mr.S.Satheeshkumar
For R-1 : Mr.P.Gunasekaran
For R-2 & R-3 : Mr.D.Sadiq Raja
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by K.RAJASEKAR,J.)

This intra-Court appeal has been filed challenging the order passed in W.P.(MD).No.3687 of 2011 dated 24.01.2018, whereby, the learned Single Judge has dismissed the Writ Petition on the ground that the writ petitioner has not completed 30 years of service in the post of Headmaster.

2. The Writ Petition was filed challenging the order passed by the first respondent dated 16.08.2010 and to direct the respondents to grant one bonus increment as an incentive to the writ petitioner as per G.O.Ms.No.562 dated 28.09.1998.

3. The learned counsel for the appellant/writ petitioner would submit that the appellant originally joined in service on 05.09.1964 and subsequently, he was appointed as Secondary Grade Assistant on



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03.06.1967. Thereafter, he was promoted to the post of Primary School Headmaster on 07.08.1974 and retired from service on 28.02.1999 on attaining the age of superannuation. Since the appellant has completed 30 years of service in the post of Headmaster, he is entitled for one Bonus increment as per G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.09.1998 and hence, the learned counsel prays to allow the Writ Appeal.

4. The learned counsel for the first respondent submits that the appellant was promoted as Primary School Headmaster on 07.08.1974 and he attained superannuation on 28.02.1999. Thus, he has not completed 30 years of service in the cadre of Headmaster. Accordingly, he is not entitled to one bonus increment as per G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.09.1998.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The second respondent has produced the Appendix for fixation statement of the appellant before this Court. On perusal of the same, it shows that the appellant was originally appointed as a Secondary Grade



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Assistant on 05.09.1964 and he was promoted as Primary School Headmaster on 07.08.1974. Based on his request, the second respondent has also awarded one bonus increment treating his service as 30 years in the same post in the cadre of Headmaster. This was objected by the Accountant General at the time of granting pensionary benefits and the impugned order has been passed stating that the appellant has not completed 30 years of service in the same post and thereby, he is not entitled for one increment bonus.

7. G.O.Ms.No.562 was issued by the Government of Tamil Nadu, Finance (Pay Cell) Department dated 28.09.1998, awarding one bonus increment for the employees serving in a post beyond 30 years, i.e., if the employee is having stagnated in the Special Grade beyond 10 years, he shall be entitled for one bonus increment. As far as the appellant is concerned, his service records clearly reveals that he was promoted to the Post of Primary School Headmaster on 07.08.1974 and he was retired on 28.02.1999, before completing 30 years of service in the post of Primary School Headmaster and thereby, he has not completed 30 years of service in the same post, i.e., the post of Primary School Headmaster and he has not been stagnated in the post beyond 30 years.



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8. The learned Single Judge finding that the appellant has not been stagnated in the same post for 30 years, had rightly dismissed the Writ Petition. We have carefully perused the records. We also find that the appellant has not been stagnated in one post for 30 years, thereby, he is not entitled for one bonus increment. Therefore, the order passed by the learned Single Judge is valid and we find no reasons to interfere with the same.

9. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs.

(A.D.J.C.,J.) (K.R.S.,J.)
18.06.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Account General (A & E),
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- 2.The Assistant Elementary Educational Officer,
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- 3.The Secretary,
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