



W.P.(MD)No.16811 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16811 of 2017

and

W.M.P.(MD)Nos.13413 and 13414 of 2017

K.Ramakrishnan

... Petitioner

/Vs./

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Finance Department,
Secretariat,
Chennai – 600 009.

2.The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai 600 009.

3.The Deputy Secretary to Government,
Home (Jail-2) Department,
Secretariat,
Chennai – 600 009.

4. The Additional Director General of Police
and Chief of Jail Department,
No.8, Whennels Road,
Egmore,
Chennai – 600 008.



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5. The Superintendent of Police,
Central Prison,
Palaymkottai,
Tirunelveli – 627 002

6. The Principal Accountant General (A & E),
361, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari mandamus to call for the records relating to the G.O.Ms.No.311 Finance (CMFC) Department dated 31.12.2014 issued by the 1st respondent specifically the order issued to the effect that 'the above concession of sanction of notional increment shall take effect from the date of issue of the order' (i.e from 31.03.2014) and the consequent order No.27550/Sira-2/2017-1 dated 31.03.2017 passed by the 3rd respondent and quash the same in so far as the petitioner is concerned and consequently direct the respondents to grant the concession of sanction of notional increment to the petitioner as on 01.04.2007 and disburse the revised pensionary benefits from 01.04.2007 within a time limit to be fixed by this Court.

For Petitioner	: Mr.L.Sakthikumaran
For R1 to R5	: Mr.G.Suriya Ananth Additional Government Pleader
For R6	: Mr.P.Gunasekaran



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ORDER

This Writ Petition has been filed challenging G.O.(Ms.)No.311, Finance (CMFC) Department, dated 31.12.2014, issued by the 1st respondent, specifically, the order issued to the effect that 'the above concession of sanction of notional increment shall take effect from the date of issue of the order' (i.e from 31.12.2014) and the consequent order dated 31.03.2017 passed by the 3rd respondent rejecting the petitioner's request for notional increment for a period of one year.

2. A counter affidavit has been filed on behalf of the respondents in this writ petition.

3. It is now brought to the notice of this Court that the 4th respondent has submitted a proposal recommending the case of the petitioner for notional increment for a period of one year to the 6th respondent for his approval and the same was returned to the 5th respondent by the 6th respondent on 09.12.2021 and a copy of the same was also sent to the petitioner herein.



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4. However, the learned counsel for the petitioner would submit that no such copy was sent to the petitioner.

5. A copy of the returned proposal dated 09.12.2021 has also been placed on record before this Court by the learned Standing Counsel appearing for the 6th respondent. Since the return has been made, the question of entertaining this writ petition at this stage does not arise.

6. Only if the proposal is considered on merits and in accordance with law and the petitioner is aggrieved by the same, this Court can exercise its power under Article 226 of the Constitution of India and decide as to whether the order passed by the 6th respondent either for or against the petitioner is correct or not. It is premature to decide the issue at this stage. The only limited relief that can be granted by this Court at this stage is to direct the 4th respondent to re-submit the returned proposal in accordance with law to the 6th respondent within a time frame to be fixed by this Court and on such re-submission, the 6th respondent be directed to pass final orders on merits and in accordance with law on the petitioner's plea for notional increment for a period of one year within a



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time frame to be fixed by this Court. No prejudice will also be caused to the respondents, if the petitioner is directed to give a representation to the 4th respondent, prior to the re-submission of the proposal to the 6th respondent, requesting the 4th respondent to re-submit the proposal in a particular manner and the 4th respondent is directed to consider the same on merits and in accordance with law.

7. On considering the above stated facts and circumstances of the case, this Court issues the following directions:

i) The 4th respondent shall re-submit the returned proposal dated 09.12.2021 to the 6th respondent within a period of **six weeks** from the date of receipt of a copy of this order;

ii) The petitioner is also directed to give a representation to the 4th respondent to re-submit the proposal to the 6th respondent in a particular manner;

iii) Such representation shall also be considered by the 4th respondent before re-submission of the returned proposal to the 6th respondent.



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iv) On receipt of resubmitted proposal from the 4th respondent, the 6th respondent shall pass final orders on merits and in accordance with law on the re-submitted proposal within a period of **four weeks** thereafter.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2024

Index : Yes / No
NCC : Yes / No
CM



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.16811 of 2017
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Dated:
16.08.2024