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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 4783 of 2024

P.Sasi Rekha

... Petitioner

..Vs..

1. Union of India
Rep. By
Director General
Railway Protection Force
Ministry of Railways
Railway Board,
Rail Bhavan
New Delhi – 110 001.

2. Principal Chief Security Commissioner
Railway Protection Force
Southern Railway,
6th Floor, Moore Market Complex
Chennai – 600 003.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for all the records leading to the issuance of order No.X/P.500/Pension/Misc dated 13.04.2023 by the second respondent rejecting my claim for the grant of one notional increment in favour of my husband as on 1st July of the year of his retirement (i.e., 01.07.2013) for the purpose of pensionary benefits and to rework the



pensionary benefits, in terms of the Judgment of the Hon'ble High Court of Madras rendered on 15.09.2017 in W.P.No. 15732/2017 (Ayyamperumal Vs UOI), as upheld by Hon'ble Supreme Court; and quash and set aside the above mentioned impugned order passed by the second respondent. Consequently, to direct the respondents to grant one notional increment in favour my husband as on 1st July of the year of his retirement and rework the Pensionary Benefits and other retiral benefits based on the last pay arrived at after grant of Notional Increment.

For Petitioner	:: Mr. R.Pandian
For Respondents	:: Mr. V.T.Balaji Special Panel Counsel

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of an order dated 13.04.2023 passed by the second respondent/Principal Chief Security Commissioner, Railway Protection Force, Chennai, by which order the second respondent had rejected the claim of the petitioner to grant one notional increment for her husband as on 01.07.2013 for the purpose pensionary benefits. The petitioner also seeks that consequentially the pensionary benefits should also be reworked and the benefits must be extended and paid to the petitioner herein.

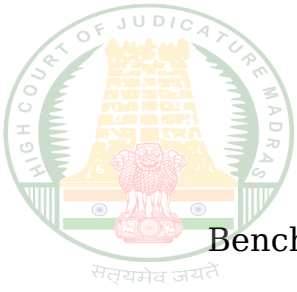
2. In the affidavit filed in support of the Writ Petition, it had



been stated that the husband of the petitioner R.Padmanabhan had been appointed as the Sub Inspector in the Railway Protection Force Security Department on 13.03.1977. He was finally promoted as Assistant Security Commissioner and retired from service on attaining the age of superannuation on 30.06.2013. Even though he had completed one full year of service on and from 01.07.2012 till 30.06.2013, the respondents had not granted the increment which fell due on 01.07.2013 to the husband of the petitioner. The husband of the petitioner R.Padmanabhan died on 12.05.2018. Thereafter, the petitioner had been recognised as his legal representative to receive the family pension. Claiming the increment which fell due on 01.07.2013, the petitioner had given a representation on 31.12.2022.

3. The respondents had stated that the issue is pending before the Supreme Court in SLP (C) No. 4722 of 2021 and had therefore stated that unless the final decision is given, they would not be in favour to grant the increment.

4. The learned counsel for the petitioner placed reliance on the Judgment of a Division Bench of this Court in ***W.P.No. 15732 of 2017 [P.Ayyamperumal Vs. the Registrar, Central Administrative Tribunal, Madras Bench, High Court Complex, Chennai]***, wherein by Judgment dated 15.09.2017, the Division



Bench had examined a similar issue and had held as follows:-

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*“6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in **State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525**, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*

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



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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. This Judgment of the Division Bench had been further examined by the Hon'ble Supreme Court in SLP (Civil) Diary No.22283 of 2018 and by an order dated 23.07.2018, the Appeal filed by the respondents in the Writ Petition had been dismissed. Subsequently, the Supreme Court also by order dated 08.08.2019 had dismissed the Review Application. The ratio laid down by the Division Bench had been again affirmed and held yet another Division Bench in ***W.P.No. 23095 of 2017, [V.Sampangi Ramaiah Vs. Union of India, represented by the Commissioner of Income Tax, Salem]*** by an order order dated 13.12.2018.

6. Heard the learned Special Panel Counsel for the respondents also.

7. The learned counsel stated that when the impugned order



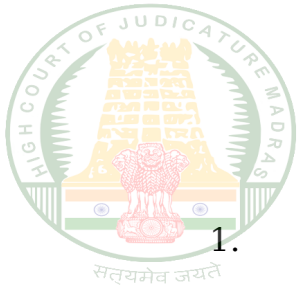
was passed matters were pending before the Hon'ble Supreme Court and therefore, the respondents, at that time, were not in a position to take a decision regarding grant of notional increment as on 01.07.2013 to the late husband of the petitioner. But however, the fact is that he had completed one year of service on and from 01.07.2012 till 30.06.2013, which made him eligible for increment which was between as on 01.07.2013.

8. In view of the ratio consistently upheld by the Courts, the Writ Petition stands allowed. The claim of the petitioner for one notional increment to be granted for her husband R.Padmanabhan is upheld and the respondents are directed to rework the notional benefits and disburse the same to the petitioner within a period of three months from the date of receipt of a copy of this order. No order as to costs.

20.02.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To



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7



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C.V.KARTHIKEYAN, J.,
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