

WP(MD)No.5194 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.5194 of 2021
and
WMP(MD)No.4165 of 2021

P.Kanagarajan

.. Petitioner

v.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Finance Department,
St.George Fort,
Secretariat,
Chennai.
- 2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Printing and Stationary Department,
St.George Fort,
Secretariat,
Chennai.
- 3.The Director,
Printing and Stationary Department,
No.110, Anna Salai,
Chennai.



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4.The Joint Director,
Printing and Stationary Department,
No.110, Anna Salai,
Chennai.

5.The Branch Manager,
Government Branch Press,
Public Office Compound,
Pudukottai,
Pudukottai District.

6.The Principal Accountant General,
O/o.Accountant General of Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai - 600 018.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in இயக்.எண்.சி2/37654/2019 dated 25.02.2020, quash the same and consequently, directing the respondents 2 to 5 to issue increments to the petitioner for continuously working as a Compositor for the period of 30 years of his service.

For Petitioner : Mr.A.V.Rajasekaran

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.5

Ms.S.Mahalakshmi
for R.6



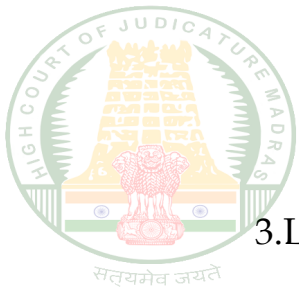
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ORDER

The petitioner, who was appointed in the post of Compositor on 11.03.1981, retired from service on 30.06.2016, on attaining the age of superannuation. If a person has continuously worked in the same post for a period of 30 years, he is eligible for an increment. The petitioner, therefore, has made a request for an increment, as per G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.09.1998. The same was rejected and challenging the same, the petitioner has filed this writ petition.

2.The third respondent has rejected the petitioner's request by stating that this petitioner was promoted as a Plate-Maker and he served as a Plate-Maker for a period of three years and five months. Thereafter, the petitioner relinquished his promotion and he was reverted to his original posting, ie., Compositor. Excluding the period as Plate-Maker, the petitioner has worked as Compositor for a period of 26 years 9 months and 26 days, ie., less than 30 years. Therefore, his request was rejected.



3.Learned Counsel for the petitioner, by referring to the proceedings of the fourth respondent dated 11.11.2009, submitted that seven other co-employees, who worked as Compositors, were promoted as Offset Technicians and those employees have relinquished their promotion and reverted back to their original posting of Compositor. The service rendered by them in the post of Offset Technician has been calculated as that of Compositor for the purpose of calculating and awarding Special / Selection Grade. Therefore, the petitioner's Counsel prays for parity.

4.The respondents have filed a detailed counter affidavit, wherein, they have also admitted that one Gurusamy and Balasubramaniam, who have been promoted as Assistant Offset Machine Technicians, have relinquished their promotion and were reverted back as Compositors and their period of service as Assistant Offset Machine Technician was considered for awarding Special Grade in the post of Compositor, as per the clarification issued by the Government vide letter dated 16.02.1987.

5.This Court considered the rival submissions made on either side

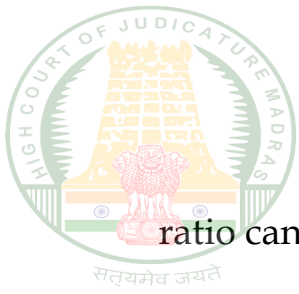


and perused the materials placed on record.

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6. Selection Grade and Special Grade are provided for those persons who are continuously working in the same cadre without any promotion. The persons referred in the counter affidavit namely Gurusamy and Balasubramaniam, were promoted as Assistant Offset Machine Technicians and thereafter, they have relinquished their promotion and reverted back to their original posting as Compositors. However, the period of their services as Assistant Offset Machine Technician was considered by the Department for awarding Selection Grade and Special Grade.

7. Learned Additional Government Pleader took a plea that it is for Selection / Special Grade and not for awarding bonus increments. This Court is not inclined to accept this contention. Like Selection / Special Grade, bonus increments are also awarded for those employees who are working in the same post for a period of 30 years. When the period of Assistant Offset Machine Technician can be considered, after relinquishment, for awarding Selection Grade and Special Grade, the same



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ratio can be adopted and applied for awarding this increment as well.

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8. Accordingly, this writ petition is allowed and the impugned order dated 25.02.2020 is set aside. The respondents are directed to provide the eligible bonus increment to the petitioner, for having continuously worked as a Compositor beyond 30 years.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

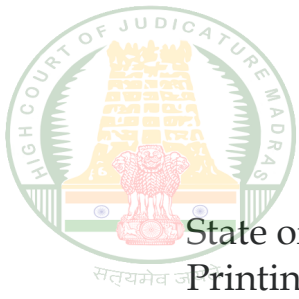
Index : Yes / No
NCC : Yes / No
gk

21.01.2025

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Finance Department,
St. George Fort,
Secretariat,
Chennai.

2. The Principal Secretary to Government,



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B.PUGALENDHI, J.

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