



W.P(MD)No.14696 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.14696 of 2023
and
WMP(MD)Nos.12401 and 12404 of 2023**

S.Packiyalakshmi

... Petitioner

vs.

The Principal District and Sessions Judge,
Srivilliputhur,
Virudhunagar District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent dated 06.12.2021 and quash the same.

For Petitioner : Mr.R.V.Rajkumar

For Respondent : Mr.D.Venkatesh

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The petitioner herein, who was appointed as a Typist on 02.05.2007, was granted with one advance increment, as per the Justice Shetty Commission's recommendations, which culminated into passing



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of G.O(Ms)No.1011, Home (Cts. V) Department, dated 07.12.2010. In the

impugned order passed pursuant to the audit objections, it was found that the petitioner herein was wrongly awarded with one advance increment. Since such advance increment under G.O(Ms)No.1011, could be paid only to the individuals, who have been appointed/promoted between 01.04.2003 and 31.12.2005, the respondent herein had passed the impugned order, for re-fixation of the petitioner's pay and for remission of the excess payment.

2. The learned counsel appearing for the petitioner would submit that G.O(Ms)No.1011 does not restrict the payment of one advance increment, for the individuals, who were appointed between 01.04.2003 and 31.12.2005 and therefore, sought for quashing of the impugned order.

3. The learned counsel appearing for the respondent produced the copy of the Government Letter No.94577/Cts-V/2011-3, dated 29.03.2012, wherein, a clarification has been sought for with regard to the eligibility of the individuals to receive the advance increment



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pursuant to G.O(Ms)No.1011 and since the clarification had restricted the payment only to those individuals, who were appointed between 01.04.2003 and 31.12.2005, there is no illegality in the impugned order.

4. As rightly pointed out by the learned counsel appearing for the respondent, when the G.O(Ms)No.1011 did not incorporate the eligibility period of appointment of the individuals to receive the annual increment, a clarification was sought for from the Government. To a specific query as to whether the benefit of one increment granted to the individuals may also be applicable to those appointed on or after 01.04.2003, the reply given is as follows:

"The benefit of one increment granted to the individuals is applicable to those appointed between 01.04.2003 and 31.12.2005."

5. It is pursuant to this clarification, the respondent has passed the impugned order, revising the petitioner's wrongful payment of the annual increment. If the petitioner is aggrieved against the G.O(Ms)No. 1011, the only remedy available to her would be to challenge the said



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Government Order, as well as the consequential clarification, without which, no interference can be sought for to the impugned order.

6. In the light of the above discussion, the Writ Petition stands dismissed, with liberty to the petitioner to challenge the G.O(Ms)No. 1011, as well as the clarificatory letter in Letter No.94577/Cts-V/2011-3, dated 29.03.2012.

7. At this stage, the learned counsel for the petitioner would submit that the petitioner had retired from service on 31.05.2024 and in view of the pendency of this writ petition, her pension proposals have not been forwarded by the department. Now that the writ petition has been dismissed, the department shall forward the pension proposals of the petitioner, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R, J.) (A.D.M.C, J.)
24.01.2025

Index : Yes / No



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Neutral Citation : Yes / No

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To

The Principal District and Sessions Judge,
Srivilliputhur,
Virudhunagar District.



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
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DATED : 24.01.2025