



Writ Petition No.25286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
30.01.2026

PRONOUNCED ON
20.02.2026

CORAM
THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition No.25286 of 2025
and W.M.P.No.28472 of 2025

1.Union of India,
Represented by The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai – 600 002.

2.The General Manager,
Postal Accounts & Finance,
Ethiraj Salai, Egmore,
Chennai – 600 008.

3.The Senior Superintendent of Post Offices,
Coimbatore Division,
Coimbatore – 641 001.

... Petitioners

Vs

D.Loganayaki

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the Central Administrative Tribunal pertaining to the impugned order in O.A.No.1134 of 2021 dated 12.12.2023 and quash the same and pass further orders.



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For Petitioners : Mr.B.Sudhir Kumar

For Respondent : Mr.R.Malaichamy

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This writ petition has been filed by petitioners challenging the order of the Tribunal made in O.A.No.1134 of 2021 dated 12.12.2023.

2. Heard Mr.B.Sudhir Kumar, learned counsel for the petitioners and Mr.R.Malaichamy, learned counsel appearing on behalf of the respondent.

3. Mr.B.Sudhir Kumar, learned counsel for the petitioners would submit that the respondent herein was appointed on compassionate grounds as a Postal Assistant in the year 1983. On completion of 16 years of service, she was granted financial upgradation and under Time Bound One Promotion Scheme on 12.12.1999. On completion of 20 years of service, the respondent was granted IInd financial upgradation under the MACP with effect from 01.09.2008. As she had completed 30 years of service without promotion, she was benefitted with the III-MACP with effect from



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01.01.2014. The respondent was also benefitted with an increment on 01.07.2014. The respondent had also attained the age of superannuation on 30.04.2018.

4. He would submit that the increment that was granted on 01.07.2014 had been granted erroneously as the respondent had participated in a strike on 12.02.2014 & 13.02.2014 and therefore, she had not completed minimum 6 months of qualifying service required for grant of next increment. He would submit that the respondent had been awarded “Dies Non” for the said 2 days and therefore, her pay was refixed and fixed at Rs.58,600/- with effect from 01.07.2017 instead of Rs.60,400/- which she had received up to the date of retirement.

5. In view of the same, the pension was fixed at Rs.29,300/- with effect from 01.05.2018 and a sum of Rs.81,282/- together with interest was also recovered from her gratuity payable. The respondent had approached the Tribunal challenging the order of recovery as also the fixation of pension with a direction to refund the recovered amount and also calculate her pensionary benefits on the last pay drawn by her. He would submit that the



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petitioner was not entitled for increment on 01.07.2014 in view of the “Dies non” and was only entitled for the next increment on 01.07.2015. Hence, there had been irregular grant of one increment which had wrongly benefitted the respondent and hence an order of recovery was made along with the refixation of her salary. The Tribunal without considering all these aspects had erroneously allowed the Original Application, thereby quashing the impugned order before it with a further direction to restore the monthly pension of the respondent at Rs.30,200 and refund the recovered amount within the time frame. Hence, he seeks indulgence of this Court with the order impugned.

6. Mr.R.Malaichamy, learned counsel appearing on behalf of the respondent *per contra* would submit that without notice to the respondent, the order of recovery had been made and the salary had been refixed based upon which the pension was also quantified. He would submit that the respondent was not intimated of the “Dies Non” declared for the 2 days for alleged participation in the strike.

7. When that being so, the claim of the petitioners that the respondent



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is not entitled for the increment as on 01.07.2014 is wholly erroneous and misconstrued. Therefore, he would submit that there is no error muchless irregularity or infirmity in the orders impugned herein and therefore, seeks to dismiss the Writ Petition.

8. We have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

9. It is an admitted case that the respondent who had joined services of the petitioners was benefitted with the III-MACP with effect from 01.01.2014. In view of grant of MACP on 01.01.2014, she was entitled for the next increment on 01.07.2014, i.e., on completion of 6 months. It is the claim of the petitioners that the respondent had participated in a strike for 2 days on 12.02.2014 & 13.02.2014 and therefore, the said period had been declared as “Dies Non” and therefore, the petitioner cannot be said to have completed 6 months of qualifying service for grant of increment on 01.07.2014.

10. Even though, the petitioners have claimed that the said period had been declared as “Dies Non”, as rightly pointed out by the Tribunal, the



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petitioners had not passed any separate orders declaring “Dies non”. Had such an order being passed, the respondent would have had recourse in challenging the same and without declaring so, a decision to hold that the respondent do not qualify for increment on 01.07.2014 is wholly unjustified.

11. In view of the same, refixation of pay done after a period of 4 years that too on the verge of retirement without serving a notice on the respondent would necessarily have to be interfered with and had been rightly interfered with by the Tribunal. Since, the refixation had been made arbitrarily, the respondent is also entitled for the benefit of fixation of her pension based upon the last wages drawn as indicated by the Tribunal.

12. For the aforesaid reasons, we do not find any merits in the Writ Petition and accordingly, the Writ Petition stands dismissed. The petitioners are granted three (3) months time from the date of receipt of a copy of this order to comply with the directions issued by the Tribunal. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.



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(C.V.K.,J.)

(K.B., J.)

20.02.2026

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation:Yes/No

Gba



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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

A Pre-delivery judgment made in
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20.02.2026