



FINANCE (PAY CELL) DEPARTMENT
G.O.Ms.No.140, Dated: 25th April, 2018

(Vilambi, Chithirai-12, Thiruvalluvar Aandu 2049)

Writ Petitions filed by Thiru.S.Srinivasan and others - Orders of the Hon'ble High Court - Complying - Orders - Issued.

Read:

1. G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014.
2. G.O.Ms.No.14, P&AR Department, dated:31.01.2017.
3. Judgment order dated:16.08.2017 in W.P.No.15107 of 2016.
4. Judgment order dated:15.07.2016 in W.P.(MD).No.10630 of 2016.
5. Judgment order dated:17.07.2017 in W.P.(MD).No.16046 of 2014.
6. Judgment order dated:17.07.2017 in W.P.(MD).No.19782 of 2015.
7. Judgment order dated:17.07.2017 in W.P.(MD).No.12636 of 2016.
8. Judgment order dated:07.08.2017 in W.P.Nos. 36386 to 36395; 36799 to 36808; 37417 to 37245; 37439; 37199 to 37208; 37853 to 37862; 38337 to 38345; 38285 to 38294; 38587 to 38596; 39037 to 39043 of 2016, and 6484 of 2015 and 24974, 33668 to 33670 of 2016 and 4608 to 4611 of 2016.
9. Judgment order dated:09.08.2017 in W.P.No.32421 of 2016.
10. Judgment order dated:16.08.2017 in W.P.No.12117 of 2016.
11. Judgment order dated:16.08.2017 in W.P.No.12700 of 2016.
12. Judgment order dated:16.08.2017 in W.P.No.23515 of 2016.
13. Judgment order dated:29.08.2017 in W.P.No.23114 of 2017.
14. Judgment order dated:14.09.2017 in W.P.No.32539 of 2016.
15. Judgment order dated:14.09.2017 in W.P.No.32628 of 2016.
16. Judgment order dated:20.09.2017 in W.P.No.25097 of 2017.
17. Judgment order dated:21.09.2017 in W.P.No.25292 of 2017.
18. Judgment order dated:21.09.2017 in W.P.No.25316 of 2017.
19. Judgment order dated:22.09.2017 in W.P.No.25461 of 2017.
20. Judgment order dated:14.12.2017 in W.P.No.32486 to 32492 of 2017.
21. Judgment order dated:13.02.2018 in W.P.(MD) No.58 of 2018.

ORDER:-

In the Government Order first read above orders were issued to the effect that a Government Servant whose increment falls due on the day following superannuation, on completion of one full year of service which are countable for increment under Fundamental Rule 26, be sanctioned with one notional increment at the rate as described under rule 6 of Tamil Nadu Revised Scales of Pay Rule, 2009, purely for the purpose of pensionary benefits and not for any other purpose and that the above concession of sanction of notional increment is applicable only to the employees retired on or after 31-12-2014.

2. In the Government Order second read above, the following amendment was issued with effect from 31.12.2014:-

AMENDMENT

In the said Fundamental Rules, after rule 26 and the Rulings and the Implications there under, the following rule shall be inserted, namely:-

"26-A-The Government servant, who retires on or after the 31st December 2014 and whose increment falls due on the next day following the date of superannuation, on completion of one full year of service which is countable for increment under Rule 26, shall be sanctioned with one increment at the rate of 3% of Pay + Grade Pay, notionally on the afternoon of the date of retirement, purely for pensionary benefits only".

3. The Writ Petition No.15107 of 2016 has been filed by Thiru S.Srinivasan to quash the orders issued in G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014 in so far as it restricts the grant of notional increment purely for the purpose of pensionary benefit and consequently direct the respondents to grant the notional increment to the petitioner, on the date of his retirement.

4. The Hon'ble High Court in its order dated:16.08.2017 in Writ Petition No.15107 of 2016 has observed that "the purport of the Government Order is to grant benefits in accordance with the Fundamental Rules and the Government in G.O.Ms.No.311, further issued directions to carry out necessary amendment to the Fundamental Rules in this regard. Such being the factum of the case, the claim with regard to the grant of annual increments for the retirees prior to and after G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014, is to be affirmed by the State. Further, the eligibility of the writ petitioner in respect of the annual increments cannot be denied. In view of the above the date of retirement is not prescribed as a cut-off date in the Government Order regarding eligibility. Since the claims set out in this writ petition deserve consideration. Accordingly, if the writ petitioner falls in the category as stipulated in G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014, he is eligible to get his annual increments notionally with effect from the date of retirement and the monetary benefits will be granted with effect from 31.12.2014 i.e., the date of G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014. With this clarification respondent and competent authorities are directed to implement G.O.Ms.No.311 Finance (CMPC) Department, dated:31.12.2014, by granting the benefit of annual increments, by verifying the respective service records of the writ petitioners and pay the monetary benefits prospectively with effect from 31.12.2014".

5. In the orders of the Hon'ble High Court of Madras fourth to twenty first read above, orders were passed by the Hon'ble High Court to extend the benefit of G.O.Ms.No.311 Finance (CMPC) Department, dated:31.12.2014 in favour of the petitioners.

6. After careful consideration of the various judgments passed by the Hon'ble High Court, the Government have decided to comply the orders of the Hon'ble High Court in favour of all eligible retired employees who have completed one full year of service and not sanctioned annual increment due to their superannuation prior to

31.12.2014. Accordingly, Government extend the benefit of sanction of annual increment to all the petitioners who have filed various Writ Petitions and all other similarly placed persons who retired prior to 31.12.2014 and completed one full year of service prior to their retirement, notionally with effect from the date of their retirement for the purpose of revision of pension with monetary benefit prospectively with effect from 31.12.2014 i.e. from the date of issue of G.O.Ms.No.311, Finance (CMPC) Department, dated:31.12.2014.

7. The Government also direct that the rate of notional increment granted above, shall not exceed the eligible rate based on the basic pay drawn by the employee on the date of retirement.

8. Necessary amendment to Fundamental Rules will be issued by the Personnel & Administrative Reforms Department separately.

(BY ORDER OF THE GOVERNOR)

**K.SHANMUGAM
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

All Secretaries to Government.
The Secretary, Legislative Assembly, Secretariat, Chennai-600 009.
The Secretary to the Governor, Chennai-32.
The Comptroller, Governors Household, Raj Bhavan, Chennai-32.
The Secretary to the Governor, Chennai-32.
The Governor's Secretariat, Raj Bhavan, Guindy, Chennai- 600 032.
All Departments of Secretariat (OP / Bills), Chennai-9.
All Heads of Departments.
All Collectors / All District Judges / All Chief Judicial Magistrates.
The Accountant General (Accounts & Entitlements), Chennai- 600 018.
The Principal Accountant General (Audit-I), Chennai-600 018.
The Accountant General (Audit-II), Chennai-600 018.
The Accountant General (CAB), Chennai-600 009 / Madurai.
The Registrar General, High Court, Chennai-600 104.
The Chairman, Tamil Nadu Public Service Commission, Chennai-600 003.
The Registrar of all Universities in Tamil Nadu.
The Director of Treasuries and Accounts, Chennai-35.
The Director of Pension, Chennai-600 035.
The Director of Local Fund Audit, Chennai-35.
The Pension Pay Officer, Chennai- 600 035.
The Pay and Accounts Officer, Secretariat, Chennai-9.
The Pay and Accounts Officer, (North / South / East) Chennai- 1 / 35 / 5.
The Pay and Accounts Officer, Madurai - 625 001.
All Treasury Officers / Sub-Treasury Officers.
The Commissioner, Corporation of Chennai / Madurai / Coimbatore / Tiruchirapalli /
Salem / Tirunelveli, Tuticorin, Vellore, Tirupur, Erode.
All State-Owned Corporations and Statutory Boards.
All Divisional Development Officers / Revenue Divisional Officers/ Tahsildars.
All Block Development Officers / Municipal Commissioners.
All Chief Educational Officers / Panchayat Union Commissioners.

The Project Co-ordinator, Tamil Nadu Integrated Nutrition Project,
No.570, Anna Salai, Chennai-18.
All Recognised Service Associations.

Copy to

The Secretary to Hon'ble Chief Minister, Chennai-9.
The Hon'ble Chief Minister Office, Secretariat, Chennai-9.
The Deputy Secretary to Hon'ble Deputy Chief Minister, Chennai-9.
The Senior Personal Assistant to Hon'ble Chief Minister, Chennai-9.
The Private Secretary to Chief Secretary to Government, Chennai-9.
The Personnel & Administrative Reforms Department, Secretariat, Chennai-9.
(for issue of necessary amendment to Fundamental Rules)
The Senior Private Secretary to Additional Chief Secretary to Government,
Finance Department, Chennai-9.
All Officers in Finance Department, Chennai – 9.
All Sections in Finance Department, Chennai – 9.
Stock File / Spare Copy.

//Forwarded by Order//

Q. ngrmap
f.p.
25/4/18

Section Officer.