

(2010) 10 MAD CK 0288

Madras High Court

Case No: Writ Petition No. 47305 of 2006

G. Hirdaya Rajan

APPELLANT

Vs

The Assistant Executive
Engineer, R.C. Sub Division and
The Superintending Engineer

RESPONDENT

Date of Decision: Oct. 27, 2010

Hon'ble Judges: D. Hariparanthaman, J

Bench: Single Bench

Advocate: K. Thennan, for R. Muthukannu, for the Appellant; Lita Srinivasan, Government Advocate, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

D. Hariparanthaman, J.

The writ petition is filed to issue a direction to the Respondents to sanction and pay increments from 1.7.1992 and to fix pay as per the recommendation of the VI Pay Commission.

2. The Petitioner had joined as Work Inspector in the Respondent Department in the year 1971. He was promoted as Irrigation Inspector in the year 1976. In July 1992, the Petitioner had applied Medical Leave for two months. After recovery of his illness, in spite of his repeated requests, he was not permitted to join duty. He was permitted to join duty on 18.12.1996.

3. While the facts stood like that, the Petitioner was proceeded with disciplinary action for his alleged absence and an enquiry was conducted. The Enquiry Officer found him not guilty. But no punishment order was passed. In these circumstances, the Petitioner was not granted increments from the year 1992 onwards. Hence, he filed an Original Application No. 5579 of 2000 (W.P. No. 47305 of 2006) praying for a direction to the Respondents to sanction and pay increments from 1.7.1992 and to

fix pay as per the recommendation of the VI Pay Commission.

4. When the matter was taken up for hearing on 27.9.2010, this Court has passed the following order:

The case of the Petitioner is that he was not given annual increment from 1992 without any reasons and his pay was not fixed as per VI Pay Commission Recommendations.

The Respondents have not filed the counter refuting the allegations.

If no counter is filed, the matter will be disposed of treating as if the averments are not controverted.

Post next week for orders. In the meantime, it is for the Respondents to file counter and defend their case.

5. Again the matter was listed on 4.10.2010. But the Respondents have not filed counter. However, in order to give an opportunity, on 21.10.2010, the matter was adjourned to 25.10.2010. On 25.10.2010, this Court has passed the following order:

The matter is relating to non-sanctioning of increments without any punishment order. No counter is filed. The learned Government Advocate seeks one more opportunity to file counter. Post the matter for orders on 1.11.2010.

6. Heard Mr. K. Thennan learned counsel appearing for the Petitioner and Mrs. Lita Srinivasan, learned Government Advocate for the Respondents.

7. The learned Government Advocate has produced four letters dated 27.09.2010, 4.10.2010, 21.10.2010 and 25.10.2010 directing the Respondents to assist her by producing all the documents and records so as to prefer counter and to argue the case, but there was no response. Therefore, according to the learned Government Advocate, the averments made in the petition are not controverted. Hence, this Court finds no option except to pass an order based on the averments in the writ petition.

8. Accordingly, the writ petition is allowed and the Respondents are directed to sanction increments from 1.7.1982 within a period of two weeks from the date of receipt of a copy of this order. No costs.