



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE **C.V. KARTHIKEYAN**

AND

THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**

W.A.(MD)No. 561 of 2025

and

C.M.P.(MD)No.4244 of 2025

1. The State of Tamil Nadu,
Rep By its Chief Secretary to Government,
Personnel and Administrative Reforms (FR-IV)
Department, Secretariat, St. George Fort,
Chennai.
2. The State of Tamil Nadu,
Rep By its Chief Secretary to Government,
Human Resources Management (FR-IV)
Department, Secretariat, Fort St. George,
Chennai.
3. The Director of School Education,
O/o.The Director of School Education,
DPI Complex, College Road,
Chennai – 600 006.
4. The Joint Director of School Education,
Office of Joint Director of School Education,
DPI Complex, College Road, Chennai 600 006.
5. The Chief Educational Officer,
O/o.The Chief Educational Office,
Virudhunagar, Virudhunagar District.
6. The District Educational Officer,
O/o.The District Educational Officer,
Virudhunagar, Virudhunagar District.



7. The Treasury Officer,
Chief Treasury Office,
Collectorate, Virudhunagar,
Virudhunagar District.

..Appellants

Vs

1. H.David Sudhakaran,
P.G.Assistant,
MN. MSP Senthikumara Nadar Higher
Secondary School,
Mallanginar, Virudhunagar District.
2. The Secretary,
MN. MSP Senthikumara Nadar Higher
Secondary School,
Mallanginar, Virudhunagar District.

..Respondent(s)

PRAYER: Writ Appeal filed under Clause 15 of Letters patent, to set aside the order passed by this Court, dated 25.07.2024 in W.P.(MD)No.17093 of 2024.

For Appellants	:	Mr.K.K.Udhayakumar Government Advocate (Civil side)
For R1	:	Mr.Ajmal Khan Senior Counsel for Mr.C. Venkatesh Kumar
For R2	:	No Appearance



JUDGMENT

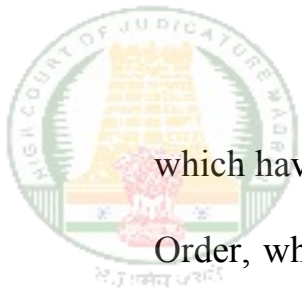
(Judgment of the Court was delivered by C.V.Karthikeyan J.)

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The respondents in W.P.(MD)No.17093 of 2024, aggrieved by the directions issued in the said Writ Petition by a learned Single Judge, by order dated 25.07.2024, are the appellants herein.

2.The Writ Petition has been filed ostensibly challenging G.O.(Ms)No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023 seeking a relief that the same is illegal and to quash the same in far as it restricts incentive increments to be granted to those who had acquired additional qualification prior to 10.03.2020.

3.The Writ Petitioner is working as P.G. Assistant in MN.MSP.Senthi Kumara Nadar Higher Secondary School at Virudhunagar District. He had acquired M.Phil qualification in the year 2017. He naturally expected that he should be granted an incentive increment for acquisition of that degree. There was a legitimate expectation in that regard. His claim was also examined and was sanctioned and had actually entered the portals of the Treasury Office. At that particular stage, G.O.(Ms)No.37 had been passed on 10.03.2020. That particular Government Order superseded an earlier Government Order relating to incentive increments to Teachers, who acquired additional qualification,



which have been passed in the year 1969 and there was yet another Government Order, which had been passed in G.O.(Ms)No.116, which again affirmed G.O. (MS)No.37.

4. When all these Government Orders were in place, the Government again examined the issue and passed G.O.(Ms)No.95, which was challenged by the Writ Petitioner, whereby, the concept of incentive increment was taken away and the Government introduced payment of lump sum amount to those who acquired additional educational qualification. Various blocks of lump sum amounts were determined.

5. The Writ Petitioner was deeply aggrieved, as his incentive increment had been sanctioned; the bill had been prepared; and bill had been countersigned by the Chief Educational Officer. That had been forwarded to the Treasury Office. Normally, the amount should have been disbursed to his account, but everything stopped. Therefore, though it was not required by him to challenge the said Government Order, since he stood protected, as his incentive increment had been sanctioned prior to the year 2020, still along with the other litigants, who had challenged G.O.(Ms)No.95, he joined in the bandwagon and also challenged the same.



6. In the meanwhile, a reference was made by a learned Single Judge on allied issues relating to grant of incentive increment to Middle School Headmasters and the Hon'ble Full Bench of this Court had taken up that particular issue. The Hon'ble Full Bench also incidentally dealt with the import of G.O.(Ms)No.95, particularly, whether it had prospective or retrospective effect. In paragraph Nos.8 and 9 of the judgement, while answering the reference, the Hon'ble Full Bench had held as follows:

8. A holistic reading of the New Policies implemented through G.O.Ms.No.37 Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 and G.O.(Ms) No.95, Human Resources Management (FR-IV) Department dated 26.10.2023 amplifies that employees, who were sanctioned advance incentive increment prior to issuance of G.O.Ms.No.37 dated 10.03.2020, shall be protected. If at all any recovery is made due to Audit objection or otherwise, those recoveries of excess pay alone are also set aside in view of the fact that recovery of excess pay after long years from the date of sanction would result in hardship to employees.

9. As far as applications pending prior to 10.03.2020, wherein advance increments are not sanctioned and applications submitted after the cut off date of 10.03.2020 are concerned, all such applications are to be strictly considered in accordance with the new scheme implemented by Government vide G.O.(Ms) No.95, Human Resources Management (FR-IV) Department dated 26.10.2023. Even in respect of applications submitted prior to the cut off date of 10.03.2020, no right accrued to employees and therefore, such applications are also to be considered in terms of G.O.(Ms) No.95, Human Resources Management (FR-IV) Department dated 26.10.2023."

(Emphasis supplied)

7. The learned Government Advocate for the appellants pointed out the aforementioned judgment of the Full Bench which is binding on all and stated that in accordance with the directions issued (extracted supra) that those



employees, who have been sanctioned advance incentive increment prior to the issuance of G.O.(Ms)No.37, dated 10.03.2020, shall be protected and fairly stated that the Writ Petitioner should be entitled for the incentive increment, which had actually been sanctioned to him.

8.The learned Senior Counsel for the respondent/Writ Petitioner also pointed out the aforementioned portions of the Hon'ble Full Bench order and judgment, and also argued that the Writ Petitioner having been sanctioned with incentive increment should be protected with such sanction.

9.Taking into consideration the arguments advanced and the facts and also the dictum laid down by the Hon'ble Full Bench, we are of the view that the learned Single Judge had correctly appreciated the facts and had directed that the incentive increment should be paid to the Writ Petitioner. We affirm that particular observation of the learned Single Judge and accordingly, the Writ Appeals stands dismissed.

10.We would place an obligation and a direction on the appellants to ensure payment of the incentive increment within a period of four weeks within which the School re-presents the bill before the Treasury Office.



11. In the result, the Writ Appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (R.S.V.,J.)
13-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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