

In the High Court of Judicature at Madras

Dated: 10.07.2015

Coram

The Honourable Mr.JUSTICE D. HARIPARANTHAMAN

Writ Petition No.20556 of 2015

V.Ponnusamy

..Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Secretary to Government,
School Education Department, Secretariate,
Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Nungambakam,
Chennai - 600 006.
3. The District Elementary Education Officer,
Salem, Salem District.
4. The Assistant Elementary Education Officer,
Thalaivasal, Aathur Taluk,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to award 5th and 6th incentive increments in the post of B.T. Middle School Head Master which is a B.T. Assistant post w.e.f 28.11.2006 for acquiring higher qualification of M.Ed. Degree in December 1988 viz., prior to the date of issuance of G.O.Ms.No.1023 Education Department dated 09.12.1993, as per the decision of this Honourable Court in W.P.No.15419 of 2005 dated 24.01.2007 upheld by the decision in W.A.No.230 of 2008 dated 06.01.2009 and to grant the consequential retiral and pensionary benefits arising thereof.

For Petitioner : Mr.K.Thennan

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader.

O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2. With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was working as a B.T.Grade Middle School Headmaster and retired from service on 30.04.2008. According to the petitioner, the petitioner acquired Higher qualification in December 1988. Hence, he is entitled to third set of incentive increments as per G.O.Ms.No.1023, Education Department dated 09.12.1993.

4. The petitioner is permitted to make a representation claiming the 3rd incentive increment based on G.O.Ms.No.1023 Education Department dated 09.12.1993 and the judgment of this Court dated 24.01.2007 in W.P.No.15419 of 2005 and the judgment of the Division Bench of this Court dated 06.01.2009 in Writ appeal 230 of 2008. On receipt of the representation, the third respondent is directed to pass orders based on the aforesaid Government Order and the judgments referred to above, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

vsi

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
School Education Department, Secretariat,
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Nungambakam, Chennai - 600 006.
3. The District Elementary Education Officer,
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4. The Assistant Elementary Education Officer,
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