

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22327 of 2015

P.V.Kamanathan

... Petitioner

Versus

1. The Government of Tamil Nadu
Represented by the Secretary to Government
School Education Department, Secretariat
Fort St. George, Chennai - 600 009
 2. The Director of Elementary Education
College Road, Nungambakkam, 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 praying for the issuance of Writ of Mandamus directing 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 10.09.2004 for acquiring higher qualification of M.A degree in May 1993 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 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 retrial and pensionary benefits arising thereof.

For Petitioner : Mr.K.Thennan

For Respondent : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a retired Middle School Headmaster. According to him, he obtained M.A degree in December 1989, prior to the date of issuance of G.O.Ms.No.1023, Education Department dated 09.12.1993 and hence, he is entitled to third incentive increment as per the decision of this Court dated 24.01.2007 in W.P.No.15419 of 2005, which is confirmed by the Division Bench in W.A.No.230 of 2008. In these circumstances, he approached this Court seeking to grant him third set of incentive increment.

3. Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, the learned Special Government Pleader representing the respondents.

4. Taking into account the facts and circumstances of the case, this writ petition is disposed of permitting the petitioner to make a representation to the third respondent claiming third incentive increment within a period of two weeks from the date of receipt of a copy of this order and the third respondent is directed to dispose of the same on merits and in accordance with law within a period of eight weeks from the date of receipt of the said representation. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gpa
To

- 1.The Secretary to Government
School Education Department, Secretariat
Fort St. George, Chennai - 600 009
2. The Director of Elementary Education
College Road, Nungambakkam, Chennai - 600 006
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+1 cc to Mr.K.Thennan, Advocate, sr.38492
+1 cc to The Government Pleader, sr.38072

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vd(co), kra(14/08)