

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28395 of 2015

G.Kalaichelvi

... PETITIONER

Vs

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, D.P.I. Compound,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.
4. The Assistant Elementary Educational Officer,
Sirukaveripakkam,
Kancheepuram District.

... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.06.2015 to sanction the 3rd incentive increment to the petitioner from the date of acquiring M.Ed., degree, within a time frame.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner was initially appointed as Secondary Grade Teacher on 01.01.1971 and she was sanctioned with incentive increment for the qualification B.A., B.Ed. (first of incentive increment) with effect from 31.01.1988. Subsequently, she acquired M.A. (Tamil) and for that also, she was sanctioned second incentive increment. Thereafter, she was promoted during April 1991. The petitioner also qualified with M.Ed., for which also, she was sanctioned with third incentive increment from 03.08.1994. The petitioner would state that subsequently, she acquired M.Ed. in Tamil during May, 1993. The petitioner would state that she submitted an application dated 19.06.2015, for sanction of incentive increment for having acquired the higher qualification. In this regard, the petitioner placed reliance on the decisions of this Court in W.A.Nos.2604 to 2606 of 1999 dated 20.6.2006 and W.A.(MD) No.426 of 2008 dated 27.6.2008. Since no orders have been passed on the representation made by the petitioner, the petitioner came forward with this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that in the light of the various Government Orders as well as the judgments rendered by this Court in the above-said Writ Appeals, the petitioner is entitled to have incentive increment and prays for appropriate orders.

4. Per contra, Mr.Vijayakumar, who accepts notice on behalf of the respondents would submit that the petitioner had already conferred with three incentive increment and though she claims to have acquired M.Ed. Tamil during May, 1993, she did not claim the benefit till the date of superannuation and nearly after 7 years from the date of retirement, has chosen to make belated claim and hence, the claim is hit by delay and laches and prays for dismissal of the Writ Petition.

5. This Court, taking into consideration the above submissions and without going into the merits of the claim projected by the petitioner, either in this Writ Petition or in the representation submitted by the petitioner, directs the first respondent to consider the representation of the petitioner dated 19.06.2015 and pass appropriate orders on merits and in accordance

with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, D.P.I. Compound,
Chennai - 600 006.
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+1cc to Mr.K.R.Gunasekar, Advocate, S.R.No.49167

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VGI (CO)
CA(01/10/2015)

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