

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28398 of 2015

N.Loganathan

... PETITIONER

Vs

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of *School Education,
College Road, D.P.I. Compound,
Chennai - 600 006.
3. The Chief Educational Officer,
Sathuvachari, Vellore.

... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent 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 Tamil Teacher on 21.11.1980 and he was sanctioned with incentive increment for the qualification B.Ed. (first of incentive increment) with effect from 30.12.1983. Subsequently, he acquired M.A. (Political Science) and for that also, he was sanctioned second incentive increment. Thereafter, he was promoted on 01.10.2008. The petitioner also qualified with M.Ed., for which also, he was sanctioned with third incentive increment from December, 1989. The petitioner would state that subsequently, he acquired M.Ed. on 01.10.2008. The petitioner would state that he 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. on 01.10.2008, he 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.

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The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)
Dated 29/09/2015

***Corrected as per the
letter dated 27.10.2015.**

**Sd/-Assistant Registrar(CS-VII)
Dated 05.11.2015**

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009. To Substitute the order
already despatched on
16.10.2015
2. The Director of ***School** Education,
College Road, D.P.I. Compound,
Chennai - 600 006.
3. The Chief Educational Officer,
Sathuvachari, Vellore.

+1cc to Mr.K.R.Gunasekar, Advocate, S.R.No.49167

Writ Petition No.28398 of 2015

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

JD 05/11/2015

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