

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.11.2015

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36290 of 2015

V.Chandramohan
S/o.Veluswamy,
Assistant Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
Rural Water Supply Sub-Division, Kumbakonam,
Thanjavur. Petitioner

- Vs -

1. The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
Head Office, Chepauk,
Chennai-5.
2. The Chief Engineer,
Tamil Nadu Water Supply & Drainage Board,
Eastern Region, Thanjavur.
3. The Superintending Engineer,
Tamil Nadu Water Supply & Drainage Board,
Thanjavur Circle,
5, VOC Nagar, Thanjavur-7. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 1st respondent to pass orders on the proposal sent by the 2nd respondent in his letter No.6200/2014/A1/CE-TNJ dated 15.12.2014 for sanctioning of 2 advance increments to the petitioner for acquiring MBA degree within a reasonable time and grant such other further reliefs.

For Petitioner : Mr.K.Venkataramani, Sr.Counsel
for M/s.M.Muthappan
For Respondents : Mr.V.Jaya Prakash Narayanan
Special Govt. Pleader.

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent to pass orders on the proposal sent by the 2nd respondent in his letter No.6200/2014/A1/CE-TNJ dated 15.12.2014 for sanctioning of 2 advance increments to the petitioner for acquiring MBA degree within a reasonable time.

2. The case of the petitioner is that he was appointed as an Assistant Engineer in Tamil Nadu water Supply and Drainage Board in the year 1985 and he was promoted as Assistant Executive Engineer in the year 2012 and with permission from the Department he has successfully completed the MBA degree at Annamalai University, Chidambaram in July 2000. The petitioner would state that as per G.O.Ms.No.825, P & AR (FR-I) Department dated 06.07.1977 the petitioner is entitled for two advance increments on completion of the P.G.Degree. The proposal of the third respondent was forwarded by the second respondent to the first respondent on 13.12.2001. However, it was not considered till date. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. Heard the submissions of Mr.K.Venkatramani, learned Senior counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan learned Special Government Pleader who accepts notice on behalf of the respondents.

4. Mr.Venkatramani, learned Senior counsel appearing for the petitioner would submit that in similar facts this Hon'ble Court in W.P.18674 of 2011 held that G.O.Ms.154 dated 26.10.2010 cannot take away the accrued right of the persons, who acquired MBA Degree before 2009 itself as the said GO would only operate prospectively and therefore the petitioners who acquired M.B.A. degree before 2009 are entitled for two advance increments.

5. This Court, considering the limited prayer sought for in the Writ Petition and without going into merits, directs the first respondent to pass orders on the proposal sent by the second respondent dated 15.12.2014, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
Head Office, Chepauk,
Chennai-5.

2. The Chief Engineer,
Tamil Nadu Water Supply & Drainage Board,
Eastern Region, Thanjavur.

3. The Superintending Engineer,
Tamil Nadu Water Supply & Drainage Board,
Thanjavur Circle,
5, VOC Nagar, Thanjavur-7.

+1 cc to M/S.M.Muthappan Advocate sr.62118/15

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