

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Review Petition No.270 of 2015
in W.P.No.17479 of 2013

R.Baskaradoss

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By its Secretary to Government

Personnel & Administrative Reforms

(SAT) Department

Fort St.George, Chennai-600 009

2.The Deputy Secretary to Government (AR)

Personnel & Administrative Reforms Department

Fort St.George, Chennai-09

3.The Registrar General

High Court of Madras

Chennai-600 104

...Respondents.

Review Petition filed to review the order of this Court passed
in W.P.No.17479 of 2013 by order dated 20.10.2014.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mrs.Sri Jeyanthi, Spl.G.P. For R1.

ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard the learned counsel for the petitioner. At the stage of admission itself, the matter is taken up for final hearing and the Review Petition is disposed of.

2. It appears that in Law Department of Government of Tamil Nadu, the staff working in all cadre are sanctioned with two advance increment for acquiring M.L.Degree and insofar as High Court Service is concerned, the staff with M.L., Degree are not given two advance increments.

3. In the Writ Petition filed by the petitioner seeking sanction of two advance increments for having passed M.L.Degree, a Division Bench of this Court, pointed out that for acquiring B.L., degree, the petitioner was already sanctioned with two advance increments and hence, he is not entitled to seek two advance increments for acquiring M.L.Degree and if such prayer is ordered, it would be the incentive increment for second time and the same cannot be permissible in terms of G.O.Ms.No.80, Law Department, dated 24.04.1979 and that advance increments are not admissible after each stage of promotion

without restriction and it can be only in one stage. On the said findings, the Division Bench of this Court dismissed the Writ Petition filed by the petitioner. Aggrieved by the same, the present Review Petition is filed.

4. On a perusal of G.O.Ms.No.760 Home (Courts V) Department, dated 09.07.2008, found in page No.23 of the Typed Set of Papers, it is seen that on a direction issued by this court in W.P.No.8323 of 2008 dated 04.04.2003, the petitioners therein, who possessed M.L.Degree were allowed to submit fresh representations as regards two advance increments, in the post of Assistant Registrar, and also directed the Government to decide the representation in accordance with law taking into consideration G.O.Ms.No.810 dated 29.08.2001. The Government, after examining the said proposal sent by Registrar General, High Court, Madras, granted two advance increments for persons in the post of Assistant Registrar and above in the High Court who possess M.L., Degree qualification. Further the order clarified that the order will take effect from the date of issue of the order viz., 09.07.2008. The advance increments shall be sanctioned only once and are not admissible after a stage of promotion from one post to another and that the advance increments are not admissible for each stage or promotion without restriction.

5. In the case on hand, the petitioner retired as Section Officer in the Madras High Court Service and he put in 32 years of total service and he retired without promotion to the post of Assistant Registrar. According to him, as per G.O.Ms.No.80, Law Department, dated 24.04.1979, the Government has issued orders granting two advance increments to persons in Law Department who possess M.L.Degree qualification irrespective of the category/cadres and therefore, he made a representation on 06.06.2012 to the 3rd respondent to grant incentive increment to him as sanctioned to the persons in Law Department, as he obtained M.L. Degree in the Branch of Labour and Industrial Relation and Administrative Law and LL.M., Degree in the Branch of Law of Intellectual Property Rights.

6. Admittedly, the petitioner cannot get the benefit of G.O.Ms.No.760 dated 09.07.2008 since the said G.O., makes it clear that the Government directed two advance increments be granted to the Officers in the post of Assistant Registrar and above in the High Court who possess M.L., Degree qualification.

7. Be that as it may. The fact remains that for acquiring B.L.Degree, the petitioner was already sanctioned with two advance

increments and therefore, for acquiring M.L.Degree, for the second time, grant of two advance increments is not possible. However, in our considered view, since the issue of G.O.Ms.No.760 Home (Courts V) Department dated 09.07.2008 itself is based on a representation of officers of the High Court who possessed M.L.Degree qualification, it is for the Registry of the High Court and Government of Tamil Nadu, to consider the representation of the petitioner dated 06.06.2012 regarding the grant of two advance incentive increment for persons having completed M.L.Degree, which the applicant finished way back in the year 2008 and 2009 respectively. Now, the petitioner retired from service on 31.05.2016. In the circumstances, we are inclined to modify the order passed in W.P.No.17479 of 2013 dated 20.10.2014 in this Review Petition. Since the representation of the petitioner dated 06.06.2012 has been rejected by the Government by G.O.(D).No.337, Home Courts (V) Department, dated 24.05.2013, and the petitioner's Writ Petition No.17479 of 2013, challenging the same was also dismissed by this court, which sought to be reviewed herein, the petitioner is hereby directed to re-present the representation dated 06.06.2012 once again before the 3rd respondent seeking grant of two advance incentive increments for obtaining M.L. Degree along with a copy of this order and the respondents, in turn, are directed to consider as to whether the advance incentive increments is

permissible and can be extended to the petitioner or not. The 3rd respondent, on considering such request shall seek necessary orders from the Government/1st respondent. In case advance increments are permissible to the petitioner, the same shall be sanctioned along with arrears, if any, from the date of representation of the petitioner i.e. 06.06.2012.

8. The Review Petition is disposed of with the above direction. No costs.

(H.G.R., J.) (M.V.M., J.)

Index: Yes/No
nvsri

20.06.2016

Review Petition No.270 of 2015
in W.P.No.17479 of 2013

HULUVADI G.RAMESH, J.
AND
M.V.MURALIDARAN, J.

The matter is listed today under the caption "for being mentioned".

2. It is submitted by the learned counsel for the Review Petitioner that the cause title of the order dated 20.06.2016 has wrongly been printed and the Respondent No.1 is shown as Personnel & Administrative Reforms (SAT) Department instead of Home (Courts-V) Department and the learned counsel prayed for the suitable changes.

3. We have perused the Memorandum of Review Petition. Accordingly, the cause title of the order dated 20.06.2016 shall be printed as under:-

R.Baskaradoss

..Petitioner

Vs

1.State of Tamil Nadu rep by its
Principal Secretary to Government
Home (Courts-V) Department
Secretariat, Chennai-600 009

2.The Registrar General
Madras High Court
Chennai-600 014

..Respondents

Further, the direction portion in paragraph No.7 of the order, shall

also stand modified as under:-

"Since the representation of the petitioner dated 06.06.2012 has been rejected by the Government by G.O.(D).No.337, Home Courts (V) Department, dated 24.05.2013, and the petitioner's Writ Petition No.17479 of 2013, challenging the same was also dismissed by this court, which sought to be reviewed herein, the petitioner is hereby directed to re-present the representation dated 06.06.2012 once again before the 2nd respondent seeking grant of two advance incentive increments for obtaining M.L. Degree along with a copy of this order and the respondents, in turn, are directed to consider as to whether the advance incentive increments is permissible and can be extended to the petitioner or not. The 2nd respondent, on considering such request shall seek necessary orders from the Government/1st respondent."

4. Registry is directed to carry out the above modification and issue fresh order copy to the parties concerned.

(H.G.R.,J.) (M.V.M.,J.)

22.07.2016

nvsri

RAMESH,J.

HULUVADI G.

and
M.V.MURALIDARAN,J.

nvsri

Review Petition No.270 of 2015

22.07.2016

To

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government
Personnel & Administrative Reforms
(SAT) Department
Fort St.George, Chennai-600 009

- 2.The Deputy Secretary to Government (AR)
Personnel & Administrative Reforms Department
Fort St.George, Chennai-09

- 3.The Registrar General
High Court of Madras
Chennai-600 104

HULUVADI G. RAMESH,J.
and
M.V.MURALIDARAN,J.

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