

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39313 of 2016

Dr.V.Singaravelu

... Petitioner

vs.

1. The Government of Tamil Nadu,
rep. By the Principal Secretary,
Public Works Department,
Fort St. George, Chennai 600 009.
2. The Engineer-in-Chief (WRO) &
Chief Engineer (GI),
Public Works Department,
Chepauk, Chennai 600 005.
3. The Executive Engineer,
Public Works Department,
Ground Water Division, Salem. ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified mandmaus, calling for the records on the file of the 1st respondent relating to the impugned letter, namely, Letter No.11363/D2/2015-1, dated 26.05.2015 issued by the Principal Secretary to the 1st respondent and quash the same and consequently direct the respondents to grant three increments for acquiring Ph.D. Degree with effect from 05.03.2014, the date of acquiring Ph.D. Degree and pay arrears of pay therefor.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

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O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned Letter dated 26.05.2015 issued by the 1st respondent vide No.11363/D2/2015-1 and for a consequential direction to the respondents to grant three increments for acquiring Ph.D. Degree with effect from 05.03.2014, the date of acquiring Ph.D. Degree and pay arrears of pay therefor.

2. According to the petitioner, he is working as an Assistant Director in the Ground Water wing of Public Works Department. He

already possessed M.Sc. Degree in Geology at the time of joining the service as Assistant Geologist. While in service as Assistant Geologist, with due permission from the 2nd respondent, the petitioner acquired Ph.D. i.e. Doctor of Philosophy in the subjects relating to Ground Water potentials in Tamil Nadu on 05.03.2014, at his own cost.

3. It is further stated by the petitioner that as per the existing policy of the 1st respondent, the Government servants who acquired P.G. Degree or Ph.D. are entitled to be sanctioned with two or three advance increments, subject to the conditions prescribed in G.O.Ms.No.97, dated 05.07.2010. It is the case of the petitioner that the conditions prescribed in the said Government Order are not at all applicable to him, as he had completed Ph.D. Degree at his own cost. Accordingly, the petitioner made a representation to the 3rd respondent on 18.11.2014 seeking sanction of three increments for acquiring Ph.D. Degree. But, the said request was rejected by the 1st respondent vide letter dated 26.05.2015 relying upon the earlier letter of the 1st respondent, dated 15.04.2014 for the reason that there is no provision for granting increments for acquiring higher qualification in the implemented 6th Central Pay Scales with effect from 01.01.2006. But, it is the case of the petitioner that the Government has clarified vide letter dated 26.06.2009 that the already existing scheme of advance increments is applicable even under the 6th Central Pay Scales with effect from 01.01.2006, i.e. from the date of the implementation of the same. Hence, challenging the impugned letter dated 26.05.2015 of the 1st respondent, the petitioner is before this Court.

4. When the matter is taken up for consideration, learned counsel for the petitioner contended that without considering the Clarification letter dated 26.06.2009 issued by the Government, the impugned order is passed. Hence, he sought for quashing the impugned order.

5. For better appreciation of the case, Clause 5 of the Clarification Letter dated 26.06.2009 vide No.34124/(Pay Cell)/2009-1, is extracted hereunder:

S.No	Clarifications sought for	Clarifications issued
5	It is stated that in the pre-revised pay scales certain categories of employees were enjoying higher start of pay/incentive/advance increment, etc. by virtue of acquiring higher qualification/passing of departmental tests. It is presumed that the above scheme may be continued in the revised structure by awarding increments as per the quantum prescribed	Presumption is confirmed. However, such higher start/incentive increments/advance increments sanctioned in the pre-revised pay scales and taken into account while fixing the pay in the revised pay scales, shall not be granted again in the revised pay scales.

6. In view of the above clarification, the impugned Letter dated 26.05.2015 issued by the 1st respondent is quashed and the matter is remitted to the 1st respondent for fresh consideration. The 1st respondent is directed to consider the case of the petitioner in the light of the Clarification Letter dated 26.05.2015, and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.33647 of 2016 is closed.

-sd/-

Assistant Registrar

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Sub-Assistant Registrar

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To:

1. The Principal Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai 600 009.
2. The Engineer-in-Chief (WRO) &
Chief Engineer (GI),
Public Works Department,
Chepauk, Chennai 600 005.
3. The Executive Engineer,
Public Works Department,
Ground Water Division, Salem.

+1 cc to M/S.N.SUBRAMANIYAN Advocate SR.NO. 68002

+1 cc to Government Pleader SR.NO. 69170

W.P.No.39313 of 2016

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RD 30/12/2016

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