



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**

W.A.(MD).No.1411 of 2015

and

C.M.P.(MD)No.3701 of 2016

1. Arasu Rubber Corporation Limited,
Vadasery, Nagercoil,
Kanyakumari District,
rep. by its Managing Director

2. Board of Directors,
Arasu Rubber Corporation Limited,
Vadasery, Nagercoil,
Kanyakumari District,
rep. by its Chairman.

: Appellants/Respondents

Vs.

S.Karunanithi

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 26.08.2011, made in W.P.(MD). No.9507 of 2007 on the file of this Court.

Prayer in WP(MD). 9507/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandmaus, calling for the records relating to the orders of the First Respondent in (1) Fef. No. E2/215/07 dated 06/10/2007 and (2) L.Dis. No. E2/10238/04 dated 06/07/2005 quash the same and issue consequential directions to the first respondent to sanction two advance increments for having passed Master of Business Administration (M.B.A) on 24/06/2006 and one incentive increment for having passed Master of Computer Application (M.C.A) during April-2001 respectively, with all consequential pay fixation and benefits with due interest as accrued to due delay in payment.

For Appellants : Mr.T.R.Janarthanan,
Additional Government Pleader
For Respondent : Mrs.Porkodi Karnan,
For M/s.Ravi

**JUDGMENT*************[Judgment of the Court was made by The Hon'ble The Chief Justice]**

The respondent employee approached the Court by filing Writ Petition (MD) No. 9507 of 2007, seeking quashing of the order dated 06.10.2007, declining his request for grant of advance increments, on account of the additional qualification obtained by him.

2. The appellant is the State Government Undertaking, where the respondent joined as a Computer Programmer on 05.09.1991, possessing the qualification of B.Sc., with Post-Graduate Diploma in Computer Application. In the course of his employment, the respondent acquired further qualification of Master of Computer Application in April, 2001 and Master of Business Administration in 2006.

3. The applicability of Arasu Rubber Corporation Limited Service Rules is not in issue and Rule 34 of the said Rules reads as under:

" 34. Pay and Allowances:- Pay and allowances, such as Dearness Allowance, House Rent Allowance, Rural Incentive allowance, Project Allowance etc., will be paid to the Corporation employees at the rates applicable to State Government employees from time to time."

4. The Government of Tamil Nadu issued G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department, dated 06.07.1977, for grant of advance increments to Government officials with Post Graduate Management Degree of recognized University to the extent of two advance increments. The qualification of Master of Business Administration also makes an employee eligible for grant of advance increment as per a subsequent G.O.Ms.No.1195, Personnel and Administrative Reforms (FR.I) Department, dated 27.10.1978.

5. This has been reiterated while implementing the Fourth Pay Commission recommendation for grant of incentive increments for higher qualification.

6. The sole reason for rejection of the representation of the respondent is the absence of any provision in the Service Rules and the matter, thus, revolves only on the interpretation of Rule 34, which uses the expression **"etc."**.

7. The learned Single Judge, in the impugned order dated 26.08.2011, has interpreted this Rule beneficially to include all benefits which are granted under different Government Orders as a special case to the employees working in the Government. Since the



Government Orders granted the benefit of advance increments on acquiring the qualifications, which the respondent possesses, the benefit would also enure to the respondent.

8. We repeatedly question the learned Additional Government Pleader as to what would be his submission on interpretation of Rule 34 and the repeated answer is only that the Board rejected the request and thus, the respondent is not entitled.

9. We fail to appreciate the aforesaid submission. The Board rejected it, that is why, the respondent filed the Writ Petition. The learned Single Judge has interpreted the Rule. Existence of Government Orders is not in issue. The only question was whether those Government Orders would apply to the appellant Corporation. Rule 34 enlists certain pay and allowances and added as suffix "**etc.**". That is what considered by the learned Single Judge to imply all other service benefits also including such increments.

10. We are, thus, of the view that there is no serious challenge even to the impugned order by the appellants and we find no ground to interfere with the impugned order.

11. Writ Appeal is, therefore, dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Arasu Rubber Corporation Limited,
Vadasery, Nagercoil,
Kanyakumari District,
2. The Chairman,
Board of Directors,
Arasu Rubber Corporation Limited,
Vadasery, Nagercoil,
Kanyakumari District.

SML/GB

TE/DB : 24/10/2016 : 3P/3C

JUDGMENT MADE IN
W.A. (MD).No.1411 of 2015 and
C.M.P. (MD)No.3701 of 2016

Dated:
04.10.2016