

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.21875 of 2016

1.C.Rejan
2.A.Geetha
3.A.Jinu Antony
4.M.Rajakumar
5.N.Sanju Pon Rajan ... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George,
Chennai - 9.
2.The Director,
Rural Development and
Panchayat Raj Department
3.The District Collector,
Kanniyakumari District,
Nagerkoil. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant two advance increments to the petitioners from the date of their acquiring P.G.Degree in Engineering and consequentially to revise the petitioner's basic pay and pay them all consequential arrears therefor within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.N.Subramaniyan
For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

Aggrieved by the non grant of advance increments for obtaining Post Graduate Qualification, petitioners who are Engineers employed in the Rural Development and Panchayat Raj Department are before this Court seeking a writ of mandamus.

2.Originally, G.O.Ms.No.1195, Public Works Department, dated 11.07.1972, provided for sanction of advance increments to employees who obtained Post Graduate qualification while in service. The Scheme underwent several modifications and finally, an attempt was made by the Government to withdraw the same, by G.O.Ms.No.97 Personnel And Administrative Reforms (FR.IV) Department, dated 05.07.2010.

3.This Court has been repeatedly issuing orders directing the respondents to grant advance increments to all those Engineers who have obtained Post Graduate Qualification prior to issuance of G.O.Ms.No.97, Personnel and Administrative Reforms Department, dated 05.07.2010. The issue is actually covered by the decisions of this Court in W.P.No.22933 of 2007 dated 07.01.2009, W.P.No.2703 of 2012 dated 10.09.2012, W.P.No.37 of 2014 dated 03.01.2014 and W.P.No.4863 of 2014 dated 20.02.2014.

4.In all the above writ petitions, this Court had taken note of the various Government Orders issued from time to time regarding grant of advance increments. This Court had held that the said Government Order in G.O. Ms. No.97, Personnel and Administrative Reforms Department, dated 05.07.2010 would apply only prospectively. Those employees who had acquired Post Graduate qualification prior to 05.07.2010 would be entitled to advance increment as per the existing Scheme.

5.The petitioners are working in Rural Development and Panchayat Raj Department. The Government passed G.O.(Ms.) No.94, Rural Development and Panchayat Raj (E3) Department, dated 25.07.2014, which provided for sanction of advance increments to Engineers working in the Engineering Wing of the Rural Development Department and Panchayat Raj Department, subject to their fulfilling the conditions laid in G.O.Ms.No.97, Personnel And Administrative Reforms (FR.IV) Department, dated 05.07.2010.

6.On 23.03.2016, the Government came out with yet another Government Order in G.O.(D) No.128, Rural Development and Panchayat Raj (E3) Department, dated 23.03.2016, wherein, the Scheme for sanctioning advance increments was dispensed with, with immediate effect, from the date of issuance of this order.

Paragraph no.4 of G.O.(D) No.128, Rural Development and Panchayat Raj (E3) Department, dated 23.03.2016, reads as follows:

"4.Accordingly, the Government do hereby order that the orders issued in G.O. (MS) No.94, Rural Development and Panchayat Raj (E3) Department dated:25.07.2014 granting two advance increments for Engineers who are working in the Engineering wing of Rural Development and Panchayat Raj Department with Post Graduate Degree in Engineering shall stand cancelled and this scheme is dispensed with immediate effect from the date of issue of this order."

7.In view of the above, the petitioners who have admittedly obtained Post Graduate qualifications prior to 23.03.2016, would be automatically entitled to advance increments as per the old Scheme. Hence, there will be a Mandamus directing the respondents to sanction two advance increments to the petitioners, since all the petitioners have obtained Post Graduate qualification prior to the cut off date namely, 23.03.2016. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8.The writ petition is allowed with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Secretary,
The Government of Tamilnadu,
Rural Development and
Panchayat Raj Department,
Fort St.George,
Chennai - 9.

WEB COPY

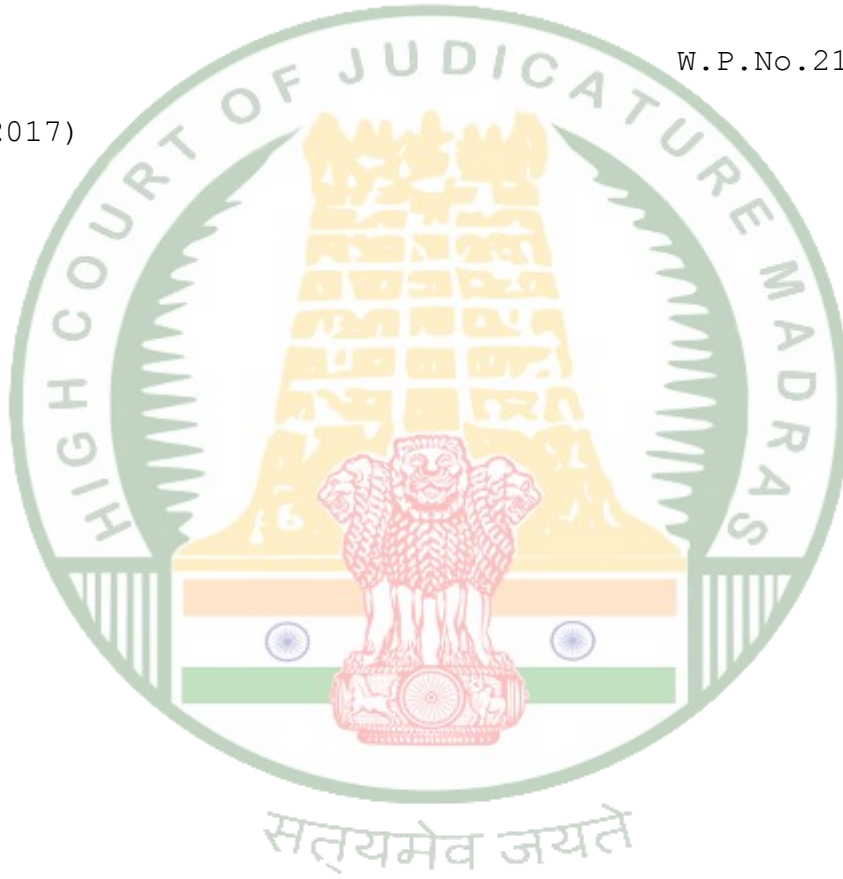
2.The Director,
Rural Development and
Panchayat Raj Department.

3.The District Collector,
Kanniyakumari District,
Nagercoil.

+1cc to the Government Pleader, S.R.No.37832

NR(CO)
RS(05/06/2017)

W.P.No.21875 of 2016



WEB COPY