

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2014

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10594 of 2016

and

W.M.P.No.9286 of 2016

K.Kandasamy

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.

2. The Director of School Education,
College Road, Chennai - 600 006. ..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in relation to the proceedings issued by the 2nd respondent in O.M.No.0096/15/A1/E3/2012 dated 26.10.2012 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring M.Phil qualification while holding the post of Headmaster, Government Higher Secondary School and grant the benefit of G.O.Ms.No.285 School Education Department dated 28.11.2007 and grant the arrear of increments and arrears of terminal benefits.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.K.Karthikeyan
Government Advocate.

O R D E R

The relief sought for in the present writ petition to quash the order of rejection issued by the Director of School Education in proceedings dated 26.10.2012 in respect of grant of second incentive increment to the writ petitioner based on the Government orders in force.

2.The writ petitioner was initially appointed as P.G. Assistant on 16.11.1978 in Tamil Nadu Higher Secondary Educational Service at Government Higher Secondary School, Palacode, Dharmapuri District. The petitioner was granted with the first set of incentive increment for acquiring M.Ed. Qualification as per G.O.Ms.No.747 Finance (Pay Cell) Department, dated 18.08.1986, with effect from 01.04.1986. The writ petitioner has subsequently possessed the Post Graduate qualification of M.Phil Decree. However, the second incentive

increment had not been granted in respect of qualification of M.Phil decree acquired by the writ petitioner. The writ petitioner was promoted as Head Master on 26.11.1993 and retired from service on attaining the age of superannuation dated 28.02.2011.

3.The grievances of the writ petitioner is that though he was eligible for grant of second incentive increment for possessing the higher educational qualification of M.Phil decree, the same has not been granted to him.

4.This Court is of an opinion that the writ petitioner was allowed to retire from service on 28.02.2011 and the writ petition has been filed on 14.03.2016, after a lapse of six years from the date of retirement. Thus, the claim is highly belated. The grant of incentive increments have to be considered when the petitioner is in service. Even in case, where there is an entitlement, the same has to be claimed within a reasonable period of time by the writ petitioner. The impugned order itself is passed by the second respondent on 26.10.2012 and the writ petition was filed on 14.03.2016. Thus, there is an enormous delay even in claiming the second incentive increment and thereafter, filing the present writ petition.

5.At the outset, the writ petitioner was allowed to retire from service on 28.02.2011 and he filed an application seeking for second incentive increment after his retirement and thereafter, the impugned order was passed by the Director of School Education dated 26.10.2012 and challenging the same the present writ petition has been filed on 14.03.2016. Under these circumstances, this Court is not inclined to grant any relief. Further, it is left open to the writ petitioner to submit any such application before the competent authorities, if he is otherwise eligible, it is for the authorities to consider the same in accordance with the Government orders in force.

6.Accordingly, these writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

bkn/maya

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

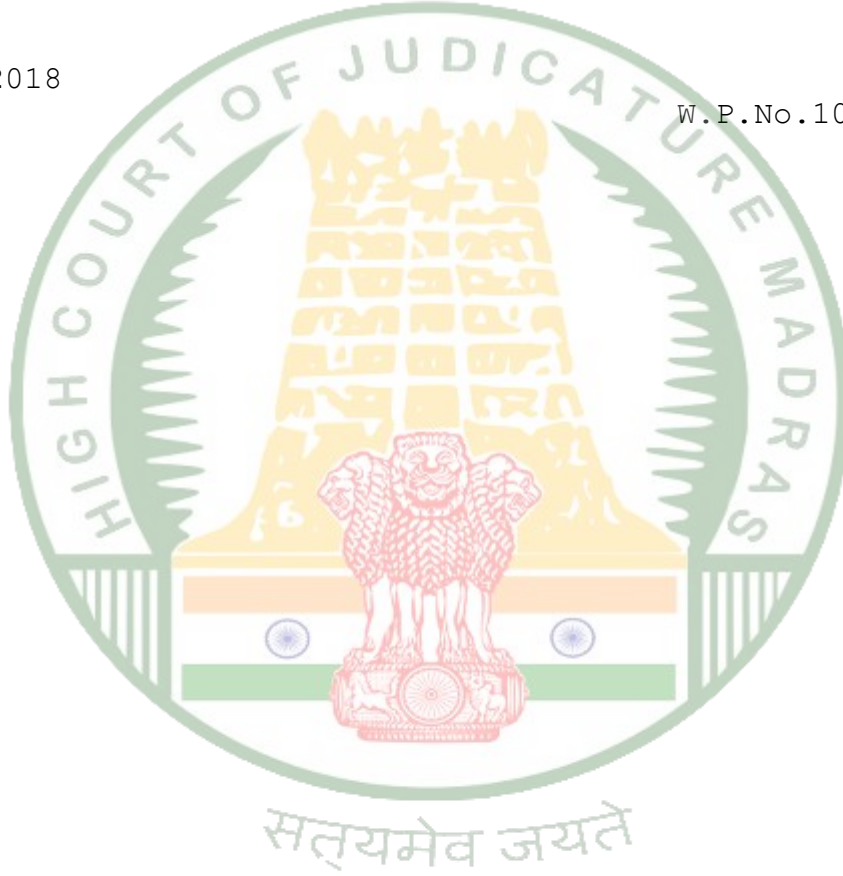
1. The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.

2. The Director of School Education,
College Road, Chennai - 600 006.

+lcc to Mr.R.Saseetharan, Advocate SR.NO.66782
+lcc to Government Pleader SR.NO.66631

GP(CO)
sm:30.10.2018

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