

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.23114 of 2016

Dr.MR.Ramanathan

.. Petitioner

-vs-

1. The Agricultural Production Commissioner
and Principal Secretary
Agriculture Department
Tamil Nadu State Government
Fort St.George, Chennai 600 009
2. The Director of Agriculture
Chepauk, Chennai 600 005
3. The Joint Director of Agriculture
Palayamkottai, Tirunelveli-2
4. The Joint Director of Agriculture
Mannarpuram, Tiruchirappalli 620 020 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation dated 4.12.2015 of the petitioner and to grant the three incentive increments on obtaining the Ph.D degree in Agronomy as per rules laid down in G.O.Ms.No.570, Agriculture (AA1) Department dated 1.4.1978.

For Petitioner :: Ms.C.Meena for Mr.K.Chockalingam

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader

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ORDER

The present writ petition has been filed by Dr.MR.Ramanathan, a Ph.D holder in Agronomy working in the Tamil Nadu Cooperative Oilseeds Growers Federation Limited (TANCOF) as Production Officer. As the petitioner possessed M.Sc (Agri) with Agronomy as major, he joined Annamalai University for doing the Ph.D in Agronomy on 7.11.97 and he also successfully completed

the Ph.D in Agronomy on 23.2.2007 and the Ph.D certificate was also issued to him on 5.2.2008 by the Faculty of Agriculture, Annamalai University. Therefore, the petitioner claims that he is eligible for three advance increments, as per G.O.Ms.No.570, Agriculture (AA1) Department dated 1.4.78 and accordingly, made a representation on 3.6.2008 to the Joint Director of Agriculture, Tirunelveli. On 4.12.2015, he has also submitted a representation to the first respondent. Since the petitioner has not been granted the three advance increments, finding no response on his representation, has come to this Court seeking a mandamus to the respondents to consider his representation dated 4.12.2015. The learned counsel for the petitioner also submitted that the petitioner has not been paid the advance increments either for acquiring post graduate qualification or for acquiring Ph.D in Agronomy for the entire tenure of his service.

2. The learned Additional Government Pleader for the respondents submitted that the prayer in the writ petition has already been considered by the Hon'ble Division Bench of this Court in W.A.No.1664 of 2016 dated 29.6.2018 (The Director of School Education and others v. V.Dhanapal) rejecting the claim for the third incentive increment to the respondent therein for having obtained M.Phil qualification. The learned Additional Government Pleader for the respondents also drew my attention to paragraph-7 of the judgment, which reads as follows:-

"7. The policy decision of the Government has been consistent to the effect that the teachers who acquire higher qualifications can be granted two incentive increments equivalent to four advance increments during the entire tenure of their service. There is no dispute regarding the fact that the respondent has been awarded two incentive increments for acquiring B.Ed and M.A., qualifications. Therefore, he cannot, as a matter of right, claim the third set of incentive increment for having obtained M.Phil qualification. We are therefore, unable to sustain the order of the learned single Judge directing payment of third incentive increment to the respondent."

3. Heard both sides.

4. For answering the issue raised in this writ petition, it is necessary to refer to paragraphs 3(i), 5, 6 & 9 of G.O.Ms.No.570, Agriculture (AA.I) Department dated 1.4.1978, which read as follows:-

"3. The Government have carefully considered

the proposal of the Director of Agriculture to extend the above concessions to the officers upto the level of Deputy Directors of Agriculture in the extension and research wing in the Agriculture Department. They accordingly, direct:-

(i) that the officers of the Agriculture Department in the extension and research wings upto the level of Deputy Directors of Agriculture, who are already in service in the Agriculture Department on 2.10.70 and have acquired post graduate degree and Ph.D Degree qualifications in Agriculture or in a subject related to Agriculture be granted advance increments their respective posts as mentioned below over and above the pay actually drawn by them 2.10.70. For possessing post graduate degrees in Agriculture or in a subject related to Agriculture

- Two advance increments

For possessing Ph.D degree in Agriculture or in a subject related to Agriculture

- Three advance increments

5. The advance increments shall be sanctioned only at one stage. Hence an officer shall not be eligible for the increments if he has already been given increments for possessing the same qualification as an incumbent in the feeder category....

6. The maximum number of advance increments admissible for an officer would be only three. In case an officer has already been allowed two advance increments for post of graduate qualification and acquires Ph.D., qualification subsequently one more and not three more advance increments would be permissible to the officer. Such advance increments will be granted only once.

9. The arrears of increments consequent on this order could be paid to the officers."

5. In the judgment passed in W.A.No.1664 of 2016 dated 29.6.2018 relied upon by the learned Additional Government Pleader for the respondents, the Hon'ble Division Bench of this Court, taking note of the policy decision of the Government to the effect that the teachers who acquire higher qualifications

can be granted two incentive increments equivalent to four advance increments during the entire tenure of their service, has clearly held that the respondent therein as a matter of right cannot claim the third set of incentive increment for having obtained M.Phil qualification, as the respondent therein was already awarded two incentive increments for acquiring B.Ed and M.A. qualifications. However, in the case on hand, it is not in dispute that the petitioner has not been granted the advance increments either for possessing the post graduate degree or the Doctorate degree in Agronomy during his entire tenure of service.

6. In that view of the matter, the respondents are directed to consider the pending representation of the petitioner, in the light of G.O.Ms.No.570, Agriculture (AA.I) Department dated 1.4.1978, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

To

1. The Agricultural Production Commissioner
and Principal Secretary
Agriculture Department
Fort St.George
Chennai 600 009
2. The Director of Agriculture
Chepauk, Chennai 600 005
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4. The Joint Director of Agriculture
Mannarpuram
Tiruchirappalli 620 020

+1cc to Mr.K.Chockalingam, Advocate SR.No.83796

+1cc to Government Pleader SR.No.84037

W.P.No.23114 of 2016

KK(CO)
GMY(07/01/2019)