

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.111 of 2018
and WMP.No.156 of 2018

1.N.Sakthi Prahadeesh
2.R.Chandrasekar
3.K.Rameshkumar
4.V.Saravanan
5.R.Srinivasan
6.V.K.Pandiyaraj
7.S.Saravanan
8.K.Krishnamoorthy Pandian
9.G.Rajeswari 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,
Panagal Maaligi, Saidapet,
Chennai-15.
3.The District Collector,
Erode District, Tiruppur. ... Respondents

Prayer: Writ 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 with effect from the date of their last examinations of the P.G. Degree examinations or the date of their joining the Department as the case may be whichever is later and consequently to revise the petitioner's basic pay and further to pay all consequential arrears therefor within a time frame.

For Petitioners : M/s.N.Subramaniyan

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

This Writ Petition has been filed by 8 Assistant Engineers and 1 Assistant Executive Engineer working in Rural Development and Panchayat Raj Department, seeking an order to grant two advance increments to them with effect from the date of their last examinations of the Post Graduate Degree examinations or from the date of their joining the department, whichever is later and for a consequential direction to revise their basic pay and also to pay them all consequential arrears therefor.

2. Mr.N.Subramaniyan, learned counsel for the petitioners submitted that the petitioners 1 to 8 are working as Assistant Engineers and the ninth petitioner is working as Assistant Executive Engineer in the Rural Development and Panchayat Raj Department and when they were all recruited through Tamil Nadu Public Service Commission, all of them possessed Post Graduate Degree in Engineering. The Tabular Column in paragraph No.2 of the affidavit filed in support of this writ petition would disclose that all the petitioners acquired Post Graduate Degree in Engineering even prior to their respective appointments. The learned counsel for the petitioners further submitted that policy of the first respondent in force shows that the petitioners are entitled to two advance increments for acquiring M.E. Degree and on their representation to grant them two advance increments, the respondents failed to grant them and hence, the petitioners have come forward with this writ petition. The learned counsel for the petitioners, by placing reliance on G.O.(Ms)No.97, Personnel and Administrative Reforms (FR.IV) Department dated 05.07.2010 and G.O.(Ms)No.94, Rural Development and Panchayat Raj (E3) Department dated 25.07.2014, submitted that as per the above two Government Orders, the petitioners are entitled to two advance increments for acquiring M.E. Degree and further submitted that this Court has already considered the said issue in W.P.No.33440 of 2015 dated 30.01.2017 [R.Senthil Kumar v. The Government of Tamilnadu, Rep by Secretary, Public Works Department, Chennai-9 and 4 others] and W.P.No.21875 of 2016 dated 19.05.2017 [C.Rajan and 3 others v. The Government of Tamilnadu, Rep. By its Secretary, Rural Development and Panchayat Raj Department, Chennai-9 and 2 others], pursuant to which the respondents have also implemented the same.

3. Mr.R.S.Selvam, learned Government Advocate appearing for the respondents sought for time to consider the pending representation.

4. Admittedly, the petitioners are working in the same Rural Development and Panchayat Raj Department and as such, the order passed by this Court in W.P.No.21875 of 2016 dated 19.05.2017 (cited supra) would squarely apply to this case. It is relevant

to extract the following portion of the said decision:

"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."

5. A perusal of the order passed by this Court in W.P.No.21875 of 2016 dated 19.05.2017 would clearly shows that G.O.Ms.No.97 dated 05.07.2010 would apply only prospectively and therefore, employees/incumbents who acquired Post Graduate Degree in Engineering prior to their appointment are entitled to get two advance increments as per the existing scheme.

6. In the light of the above cited decisions, the respondents are directed to consider the petitioners representation 20.10.2017 on merits and confer them with two advance increments and other consequential monetary benefits, if they are covered by the two Government Orders aforementioned, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

jvm

To

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

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2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maaligi, Saidapet,
Chennai-15.

3.The District Collector,
Erode District, Tiruppur.

+lcc to MR.N.Subramaniyan, Advocate Sr.No.877
+lcc to Government Pleader SR.No.1129

sm:23.1.2018

W.P.No.111 of 2018



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