

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.1445 of 2018
and WMP.No.1824 and 1825 of 2018

V.Mylsamy

...

Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Coimbatore District.
- 3.The Assistant Elementary Educational Officer,
Pollachi North, Coimbatore District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in O.Mu.No.838/A1/2017 dated 14.06.2017 and Na.Ka.No.2324/A1/2017 dated 26.12.2017 and quash the same and accordingly direct the respondents to continue to pay the petitioner with incentive increments for having acquired M.A. (Economics) in accordance with G.O.Ms.No.324, dated 25.04.1995 and pay the petitioner incentive increment for having acquired M.Phil., in Economics in accordance with G.O.Ms.No.18 dated 18.01.2013.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.P.Raja,
Government Advocate

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O R D E R

This Writ Petition is directed against the impugned proceedings of the third respondent dated 26.12.2017, whereby the incentive increment granted to the petitioner for having obtained M.A. (Economics) was cancelled, without prior to the petitioner.

2. The petitioner was appointed as B.T. Assistant with effect from 03.09.1999 and he has completed M.A. (Economics) in May, 2010. The petitioner was granted incentive increment for having acquired M.A.(Economics) with effect from 29.05.2010 viz., last date of writing the examination. The petitioner also completed M.Phil in Economics in April 2017. As far as incentive increments are concerned, the petitioner is entitled to one incentive increment for having acquired M.A. (Economics) as per G.O.Ms.No.42, Education Department dated 10.01.1969 and one incentive increment for having acquired M.Phil., as per G.O.Ms.No.18 dated 18.01.2013.

3. The learned counsel appearing for the petitioner, while assailing the impugned orders, submitted that though the petitioner was granted one incentive increment for having acquired M.A. (Economics) as per G.O.Ms.No.42, Education Department dated 10.01.1969, the third respondent has erroneously rejected the grant of incentive increment for having acquired M.Phil. (Economics) as per G.O.Ms.No.18 dated 18.01.2013 on the ground that the petitioner is entitled to incentive increment only for the subjects taught in classes 1 to 8. The learned counsel for the petitioner has further submitted that all of a sudden, without any notice whatsoever, the impugned orders have been passed by the third respondent cancelling the incentive increment already granted on the ground that the petitioner is not entitled for the same, in as much as the same is to be awarded only for M.A. in Tamil, English, Science, Mathematics and Social Science. The learned counsel for the petitioner has further submitted that as per G.O.Ms.No.324 dated 25.04.1995, clarification was issued with regard to incentive increment for the Secondary Grade Teachers and B.T. Assistants and as per the said Government Order, the petitioner has been rightly granted incentive increment for having acquired M.A.(Economics) and prays for interference.

4. Mr.P.Raja, learned Government Advocate, who takes notice for the respondents, submitted that the petitioner may be directed to treat the impugned proceedings as mere notices and he may be given two weeks time to give his explanation and thereafter, the third respondent would pass appropriate orders and till such time, the third respondent will not proceed with the impugned order of recovery.

5. Placing on record the submission made by the learned Government Advocate, this Court directs the petitioner to treat the impugned orders as mere notices and give his explanation, by enclosing G.O.Ms.No.324 dated 24.05.1995, G.O.Ms.No.18 dated 18.01.2013 and other relevant documents, within a period of two weeks from the date of receipt of a copy of this order to the

third respondent, who, upon receipt of the same, is directed to consider and pass appropriate orders within a period of three weeks thereafter and till then, recovery shall not be taken against the petitioner. Needless to say that if the petitioner is able to satisfy the third respondent that he is entitled to get incentive increments, the third respondent will sanction incentive increments in accordance with law.

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

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

jvm

To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Coimbatore District.
- 3.The Assistant Elementary Educational Officer,
Pollachi North, Coimbatore District.

+1cc to Mr.Dakshayani Reddy, Advocate SR.No.6115

W.P.No.1445 of 2018

RR(CO)
GN(14/02/2018)

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