

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2018
CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1381 of 2016
and C.M.P.No.17902 of 2016

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9.
- 2 THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-6.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
(VOCATIONAL)
COLLEGE ROAD, CHENNAI-6.
- 4 THE CHIEF EDUCATIONAL OFFICER
TIRUVANNAMALAI DISTRICT
TIRUVANNAMALAI- 606 601.
- 5 THE SUB-TREASURY OFFICER
SUB-TREASURY, TIRUVANNAMALAI-606 601.
- 6 THE SUB-TREASURY OFFICER
SUB-TREASURY, POLUR,
TIRUVANNAMALAI DISTRICT. .. Appellants

सत्यमेव जयते
Vs.

- 1 R.JOTHI RAMALINGAM
- 2 M.RAJA
- 3 S.BILAL
- 4 M.DHARMASAGAR
- 5 S.SATHISH KUMAR
- 6 R.THIVAGAR
- 7 P.BALAJI
- 8 C.ELANGO
- 9 D.MARTIN FRANCIS
- 10 K.KALAIVANI
- 11 R.PRIYA
- 12 BAKKIALAKSHMI

WEB COPY

13 P.SASIKALA
14 P.ARUNKUMAR
15 BHUVANESWARI

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 06.08.2013 made in W.P.No. 27940 of 2012 on the file of this Court.

WP.NO.27940 of 2012:Petition presented under Art 226 by the Constitution of India to issuance of writ of certiorarified mandamus Calling for the records on the file of the 5th respondent in his proceedings dated 14.08.2012 and quash the same and consequently directing the 5th respondents herein to sanction two advance incentive increments to the petitioners as per the G.O.Ms.No.240 School Education (VE) Department dated 18.08.2010 for MCA Degree etc.

For Appellants : Mr.K.Karthikeyan
Government Advocate
For R1 to R6 : Mr.J.Selvarajan

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN,
J.]

This intra court appeal is directed against the order directing the appellants to pay incentive increment to the respondents.

2. When the appeal was taken up for hearing, the learned counsel for the respondents, on instructions, submitted that the appellants have complied with the order passed by the writ court and as such, nothing survives for adjudication. According to the learned counsel, even before the initiation of appeal, the order was complied with by the appellants.

3. The appellants have raised certain questions on the legality of the order passed by the learned single Judge. We are informed that similar questions were raised in the other appeals and those proceedings are now pending before the second Division Bench.

4. Insofar as the subject appeal is concerned, the appellants have already complied with the order. The larger question raised by the appellants would be decided in the appropriate proceedings, taking into account the issues raised with regard to the eligibility of the employees for second

incentive increment. Since in the subject case the order has already been implemented, we are not inclined to interfere with the order passed by the learned single Judge. However, we make it clear that this judgment would not stand in the way of the appellants taking up the issue regarding payment of second increment in appropriate proceedings.

The intra court appeal is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 THE SECRETARY TO GOVERNMENT
STATE OF TAMIL NADU
SCHOOL EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9.
- 2 THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-6.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION (VOCATIONAL)
COLLEGE ROAD, CHENNAI-6.
- 4 THE CHIEF EDUCATIONAL OFFICER
TIRUVANNAMALAI DISTRICT
TIRUVANNAMALAI- 606601.
- 5 THE SUB-TREASURY OFFICER
SUB-TREASURY, TIRUVANNAMALAI-606601.
- 6 THE SUB-TREASURY OFFICER
SUB-TREASURY, POLUR,
TIRUVANNAMALAI DISTRICT.

RSY(CO)
sm:3.4.2018

WEB COPY

W.A.No.1381 of 2016