

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.31102 of 2018

A.Anthony Raj

... Petitioner

..vs..

1. The Chief Educational Officer,
Cuddalore District, Cuddalore
 2. The District Educational Officer,
Cuddalore - 1, Cuddalore District
 3. The Correspondent,
St. Joseph's Higher Secondary School,
Manjankuppam, Cuddalore 607 001
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to approve the proposals forwarded by the third respondent for the sanction of payment of annual increments payable to the petitioner in terms of the orders passed by the first respondent in O.Mu.No.1217/A3/2018, dated 19.03.2018 from 2014 and to continue to pay the same.

For Petitioner : Mr. S.Kamadevan

For Respondents : Mrs. P.Kavitha,
Govt. Advocate (Edn.).

O R D E R

This writ petition has been filed by the petitioner seeking directions to the second respondent to approve the proposals forwarded by the third respondent for the sanction of payment of annual increments payable to the petitioner in terms of the orders passed by the first respondent in O.Mu.No.1217/A3/2018, dated 19.03.2018, from 2014 and to continue to pay the same.

2. Mrs.P.Kavitha, learned Government Advocate, takes notice for the respondents. With consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as Secondary Grade Assistant in the fourth respondent-Aided School and thereafter, promoted as B.T. Assistant and acquired M.A., degree in the year 1996 and M.Ed., in the year 2000 and got two set of incentive increments. He was promoted as P.G. Assistant in the different scale of pay and got one set of incentive increments for having completed M.Phil degree on 01.07.2010.

4. On 03.12.2013, orders were passed cancelling the increments for incentive for M.Phil degree stating that the petitioner is not entitled for incentives for the third time. Therefore, the petitioner filed a writ petition challenging the order of recovery and the same came to be allowed and as against the same, the respondents filed a Writ Appeal and the same is pending.

5. In the meantime, the first respondent (The Chief Educational Officer, Cuddalore District) passed orders permitting the sanction of annual increments to the petitioner, on 19.03.2018, from the year 2014. The proposal has already been forwarded by the Management to the second respondent. The proposal forwarded by the Management is pending consideration by the second respondent.

6. The petitioner is entitled to get annual increment on completion of every year, i.e., on the completion of every twelve months of service and this right can be availed by any teacher. The sanction and payment of annual increment has nothing to do with the payment of incentive increments. That would be the subject matter to be decided in the writ appeal. Keeping in mind the pendency of the writ appeal regarding incentive increment, it is not proper to refuse the annual increment.

7. In view of the above, the following direction is issued:

The second respondent is directed to approve the proposal forwarded by the third respondent for the sanction and payment of annual increment payable to the petitioner, in terms of the orders passed by the first respondent, dated 19.03.2018, from the year 2014 and to continue to pay the same. The said exercise shall be completed as expeditiously as possible and at any rate within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar
srk

To

1. The Chief Educational Officer,
Cuddalore District, Cuddalore.
2. The District Educational Officer,
Cuddalore - 1, Cuddalore District.

+1cc to Mr.S.Kamadevan, Advocate Sr.80322

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srg 24/12/2018



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