

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

W.P.No.33035 of 2018

Dr.K.Sundaramoorthy

... Petitioner

Vs

1. The Commissioner of Technical Education,
Guindy,
Chennai - 600 025.

2. The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai - 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the 1st respondent to pass appropriate orders on petitioner's representation dated 13.02.2018 for sanction of one more advance increment for having acquired Ph.D. Degree with effect from 23.07.2008 in the light of the orders passed by the 1st respondent in his proceedings No.3811/C4/2010 dated 24.02.2011, within a reasonable period that may be fixed by this Court.

For Petitioner : M/s.T.Ranganathan

For Respondents: Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation dated 13.02.2018.

2. The petitioner K.Sundaramoorthy was working as Additional Director of Technical Education (Polytechnics) in the first respondent Department. During his service period, he acquired Ph.D. Degree from Madras University in the Branch of Electronics and Communication Engineering in the year 2008 and therefore, he is eligible for three non-compoundable increments as per G.O.Ms.No.111, Higher Educational Department, dated 25.05.2010. Hence, the petitioner submitted a representation to the first respondent. But, the first respondent has sanctioned only two advance increments for having Ph.D Degree with effect from 23.07.2008, erroneously, citing G.O.Ms.No.126, Higher Education Department, dated 28.03.1999. Thereafter, the first respondent, by his proceedings dated 24.02.2011, has sanctioned three non-compoundable increments as per G.O.Ms.No.111, dated 25.05.2010 to one Mallika, who acquired Ph.D. in the year 2008, with effect from 01.01.2006. Pointing out the discrimination in granting increments, the petitioner submitted a representation to the first respondent on 13.02.2018. As the same has not been considered, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that it would suffice, if the representation of the petitioner dated 13.02.2018 is directed to be considered by the first respondent, within a stipulated time.

4. Considering the facts and circumstances of the case and in view of the limited prayer sought for, without going into the merits of the case, the first respondent is directed to consider the representation dated 13.02.2018 and to pass appropriate orders thereon, in the light of the order passed by the first respondent dated 24.02.2011 in favour of one Mallika and also in terms of G.O.Ms.No.111, dated 25.05.2010, within a period of eight weeks from the date of receipt of a copy of this order.

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

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

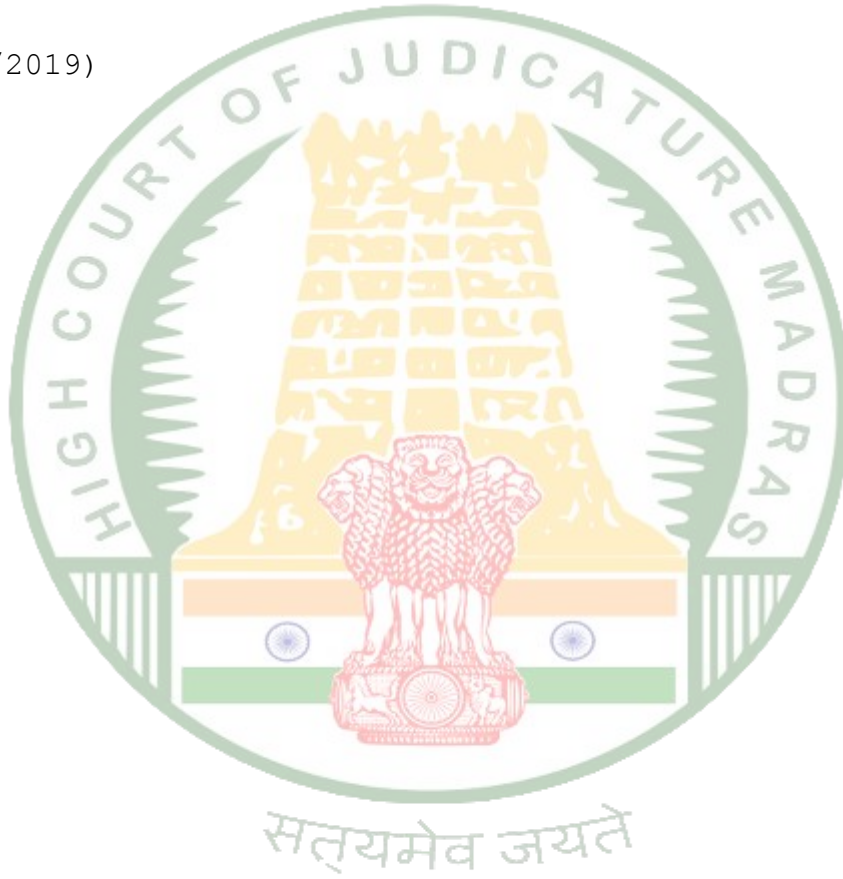
2. The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai - 600 009.

+1cc to Mr.T.Ranganathan, Advocate, S.R.No.87032

+1cc to the Government Pleader, S.R.No.87441

W.P.No.33035 of 2018

kk(CO)
kak(29/01/2019)



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