



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 30.01.2018**

WEB COPY

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD) No.611 of 2018**

**and**

**W.M.P. (MD) .No.642 of 2018**

J.Lakshmanan

... Petitioner

Vs.

1. The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Palani Road, Dindigul,  
Dindigul District-624 001.

2. The Headmistress,  
The Government Girls Higher Secondary School,  
Natham, Dindigul District-624 401.

3. The Assistant Treasury Officer,  
O/o.The Assistant Treasury Officer,  
Natham, Dindigul District-624 401.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to provide incentive increments to the petitioner for the qualification of Selection Grade on completion of ten years in service from 01.04.2013 along with arrears pursuance to the G.O. (MS).No.237 and G.O.(MS).No.240 dated 22.07.2013 passed by the Principal Secretary to the Government, Finance (Pay Cell) Department by considering the representation dated 20.06.2016 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

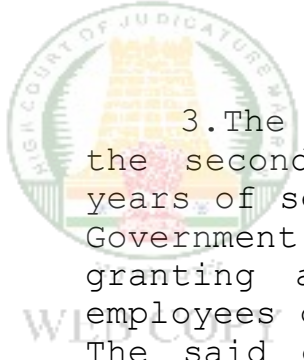
For Respondents : Mr.K.Saravanan  
Government Advocate

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**ORDER**

Heard the learned counsel on either side.

2. By consent of both the parties, the main Writ Petition itself is taken up for final disposal.



3.The petitioner was appointed as B.T. Assistant in Tamil in the second respondent school on 04.10.1996. He completed ten years of service and entered Selection Grade in October 2006. The Government of Tamil Nadu issued G.O.(MS).No.237, dated 22.07.2013, granting an additional increment of 3% of basic pay to the employees on award of selection grade in the revised scale of pay. The said order states that it shall take notional effect from 01.01.2006 and monetary effect from 01.04.2013. There was subsequent issuance of G.O.(MS).No.240, dated 22.07.2013, which states that option to come over to the revised scale of pay will have to be exercised within six months. The petitioner submitted representation in this regard on 10.10.2013. He gave a representation to the second respondent in person for exercising option to come over to the revised scale of pay. It is further contended that the said representation was not forwarded by the second respondent to the third respondent. He would also point out that from other B.T. Assistants, who were working in the same school similar request letters were submitted to exercise their option. In the case of the remaining seven teachers, appropriate orders were passed. In the case of the petitioner alone there was inaction and consequential denial. The petitioner therefore filed the present Writ Petition for grant of incentive increments on having been awarded selection grade.

4.When the matter was taken up for hearing, though the Government Advocate appearing for the respondents submitted that the genuineness of the letter dated 10.10.2013 is under question and that is why file has not been processed, this Court is of the view that the version of the petitioner can very well be believed.

5.As pointed out by the learned counsel appearing for the petitioner when seven out of eight teachers exercised their option to come over to the revised scale of pay and were also awarded the benefits, the petitioner would also have certainly exercised his option. This is more probable. This Court holds that the letter dated 10.10.2013 enclosed at page 9 of the typed set of papers is genuine.

6.In this view of the matter, the respondents are directed to provide incentive increment to the petitioner for having been awarded selection grade on completion of ten years of service in terms of G.O.(MS).No.237 and G.O.(MS).No.240 dated 22.07.2013. The arrears will be disbursed to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)



1. The Chief Educational Officer,  
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3. The Assistant Treasury Officer,  
O/o. The Assistant Treasury Officer,  
Natham, Dindigul District-624 401.

+ 1 cc TO Mr.I.Pinaygash , Advocate in SR No. 45033  
+ 1 cc TO The Special Government Pleader in SR No. 45207

tsg  
AE/KK/SAR3/19.04.2018/3P/6C

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