



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) No.18463 of 2013

and

M.P. (MD) No.1 of 2013

T.Selvaraj

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Education Department,
Fort St.George,
Chennai - 9.

2. The Director of School Education,
Chennai.

3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

5. The Head Master,
Government Boys Higher Secondary School,
Marthandam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent vide Na.Ka.No.1025/K/E1/2012, dated 03.10.2013, quash the same and consequently direct the respondents to pay the incentive increments to the petitioner for acquiring higher qualification from the eligible date with interest.

For Petitioner : Mr.C.Rajakumar

For Respondents : M/s.VPM.Vaishnavi

Government Advocate

**ORDER**

The order of rejection dated 03.10.2013 in relation to the claim of the writ petitioner for incentive increment for acquiring higher qualification is under challenge in this writ petition.

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2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as part time Vocational Teacher in the 5th respondent school on 12.10.1978. The writ petitioner was retired from service on 31.05.2006. The grievance of the writ petitioner is that he had completed M.Com., degree on 07.02.1985 and M.Ed., in the month of December, 1989. Thus, he is entitled for incentive increment from the date of acquisition of the additional qualification.

3.The learned Government Advocate appearing on behalf of the respondents states that the claim of the writ petitioner was rejected for grant of incentive increment on the ground that the writ petitioner was already retired from service on 31.05.2006 and therefore, the same cannot be considered at all. This apart, the learned Government Advocate states that the reference made by the writ petitioner regarding G.O.Ms.No.240, dated 18.08.2010, was issued after the retirement of the writ petitioner and therefore, the benefit granted in view of the above said G.O., cannot be extended to the writ petitioner.

4.This Court is of an opinion that the writ petitioner had completed M.Com., degree on 07.12.1985 and M.Ed., in the month of December, 1989. Thus, the incentive increments to be called during the appropriate time, when he had completed additional qualifications. However, the writ petitioner had slept over his right for number of years. Thus, he cannot wake up one fine morning and knock the doors of the Court by stating that he had acquired additional qualifications in the year 1985 and therefore, an incentive increments to be granted. Such stale claims cannot be entertained by the Courts, after a lapse of many years. Such claims are, if accepted will lead to further claims by all retired teachers, who possessed additional qualifications. All service rights are to be claimed during the appropriate time, when the employees are in service and such benefits of incentive increments cannot be claimed after retirement and after a lapse of many years.

5.The Government introduced the concession of incentive increments in order to encourage the teachers, who are in academic line. Incentive increments are granted to the employees to encourage them to work more and efficiently so as to improve the system of education in the Education Department. This being the ~~services, education, and~~ the grant of incentive increments, the concession granted by the respondents to be availed when the teachers were in service and not certainly after retirement.



6. In the present case, the writ petitioner was allowed to retire from service on 31.05.2006. The first application seeking incentive increments was preferred by the writ petitioner only on 29.08.2011 after a lapse of about 5 years from the date of retirement. This being the factum of the case, the writ petition is liable to be rejected on the ground of laches itself. The writ petitioner was allowed to retire from service in the year 2006 and the application was filed in the year 2011 then there is no infirmity as such in respect of the order of rejection passed by the second respondent. This being the factum of the case, no further adjudication is required in respect of the other grounds raised in this writ petition, as the claim of the writ petitioner is highly belated and further he is retired from service in the year 2006 itself.

7. Accordingly, the writ petitioner is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 9.
2. The Director of School Education, Chennai.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
4. The District Educational Officer,
Kuzhithurai, Kanyakumari District.
5. The Head Master,
Government Boys Higher Secondary School,
Marthandam, Kanyakumari District.

+ 1 cc TO Mr.B.Brijesh Kishore , Advocate in SR No. 51244
+ 1 cc TO The Special Government Pleader in SR No. 51649

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AE/JC/SAR1/26.03.2018/3P/8C

<https://hcservices.ecourts.gov.in/hcservices/>

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