

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24114 of 2018

and

WMP.Nos.28104 to 28106 of 2018

C.Rajeswari

...Petitioner

Vs

1. The Secretary to Government,
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The Director,
Directorate of Elementary Education,
DPI campus, College Road,
Chennai - 34.
3. The District Elementary Education Officer,
Kancheepuram District.
4. The Assistant Elementary Education Officer,
Madurantakam Taluk,
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent pertaining to his proceedings in Pa.Ve.No.1/A1/2015 and quash the order dated November 2016 and consequently direct the respondents to consider the name of the petitioner along with other employees for appropriate pay revision as per GO.Ms.No.303 Finance (pay cell) department dated 11.10.2017.

For Petitioner
For Respondents

:Mr.P.Anbazhagan
:Mr.P.Raja,
Govt.Advocate

O R D E R

The relief sought for in this writ petition is to call for the records of the 4th respondent in relation to the proceedings issued in Pa.Ve.No.1/A1/2015 dated November 2016 and quash the same in so far as the petitioner is concerned and

issue a consequential direction to the respondents to grant incentive increment for B.Lit and B.Ed. Degree from the date following the last date of the examination.

2.The learned Counsel appearing for the Writ petitioner states that two incentive increments were granted to the Writ petitioner on possessing the higher Educational qualification in accordance with the Government order. However, the writ petitioner is challenging the clarification issued by the Government in proceedings issued in Pa.Ve.No.1/A1/2015 dated November 2016, stating that the clarification states that the incentive increments should be granted from the date of the Government Order and not from the date of acquisition of the Higher Educational qualification.

3.However, the learned Government Advocate, who appears on behalf of the respondents states that no recovery proceedings are initiated.

4. However, the Learned counsel appearing for the Writ petitioner states that the benefits were already granted and by way of clarification, the respondents are attempting to take away the benefit from the writ petitioner. Such a ground raised by the writ petitioner is presumptive in nature.

5. This Court is of an opinion that as of now, no proceedings are initiated by the competent authority either to recover the excess payments or to stop the increments already granted in favour of the writ petitioner. In the absence of any such grievances, the writ petition cannot be entertained.

6. In this view of the matter, the writ petitioners have not established any cause of action for the purpose of moving the present writ petition. However, the present writ petition has been filed based on the apprehension that the clarification will be a hindrance for the writ petitioner for continuance of the increments already granted in their favour. Such an apprehension cannot be entertained in the absence of any cause of action, or any action initiated in this regard.

7. This being the factum of the case, the ground raised in this writ petition deserves no further consideration at all. With the above observation, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

Pkn

To

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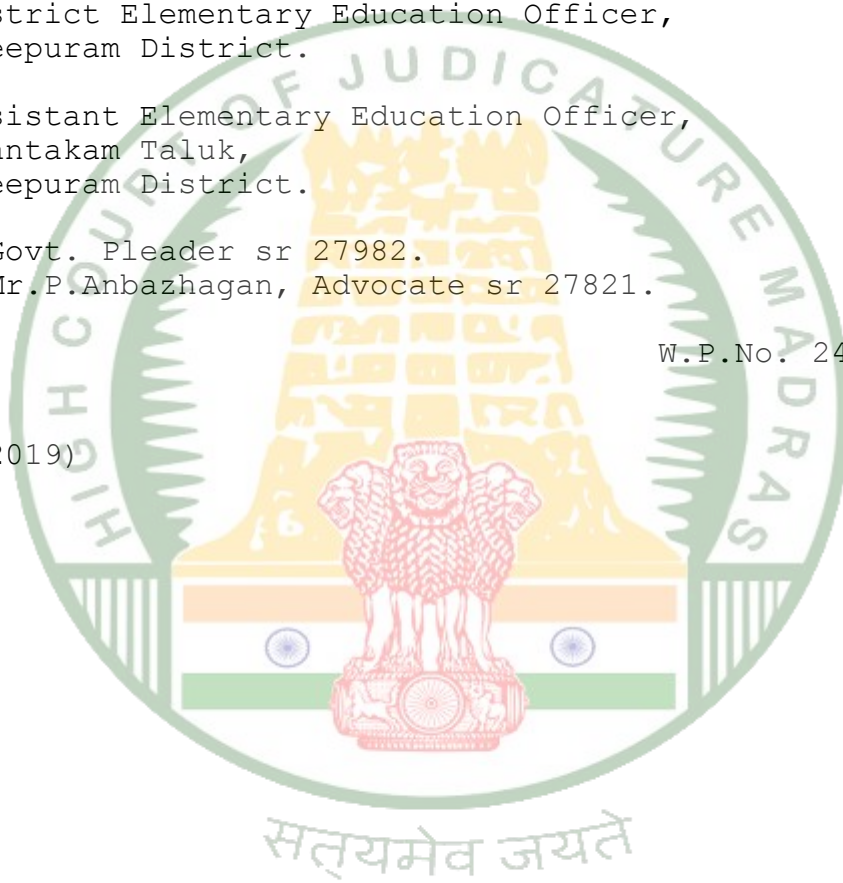
+1 CC to Govt. Pleader sr 27982.

+1 CC to Mr.P.Anbazhagan, Advocate sr 27821.

W.P.No. 24114 of 2018

RV(CO)

SP(06/05/2019)



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