

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.09.2019
CORAM
THE HON'BLE Mr.JUSTICE M.DHANDAPANI
W.P.No.28364 of 2019
and
W.M.P.No.28050 of 2019

N.Dharmadevi

... Petitioner

Versus

- 1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600006.
- 2.The District Educational Officer,
Tindivanam Education District, Villupuram District.
- 3.The Additional Assistant Elementary Educational Officer,
Presently, The Block Educational Officer,
Olakkur Block, Villupuram District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly a writ in the nature Writ of Mandamus directing the respondents to make payment of incentive increment to the petitioner for having acquired M.Com., B.Ed. Degree as sanctioned as per the order of third respondent in Na.Ka.No.912/A2/2014 dated 08.08.2014, with payment of arrears of incentive increment from April 2018 onwards with consequential and attendant benefits.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.P.Kavitha
Government Advocate

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O R D E R

This Writ Petition has been filed by the petitioner praying for the issuance of Writ of Mandamus to make payment of incentive increment to the petitioner for having acquired M.Com., B.Ed. Degree as sanctioned as per the order of third

respondent in Na.Ka.No.912/A2/2014 dated 08.08.2014, with payment of arrears of incentive increment from April 2018 onwards with consequential and attendant benefits.

2.The case of the petitioner is that initially he was appointed as Secondary Grade Teacher on 04.08.1997. During his employment, the petitioner qualified with M.Com and B.Ed degrees and consequentially for having acquired those degrees, he was granted with incentive increment. According to the petitioner, two sets of incentive increments have been granted as per the relevant Government Orders. However, in the year 2017 audit objection was raised pointing out that incentive increment for possessing M.Com, B.Ed degree cannot be granted. Based on the set out objection, the third respondent issued order for recovery of incentive increment granted to the petitioner and called for explanation from the petitioner. The petitioner submitted his explanation stating that he is not entitled to the increments for acquiring M.Com, B.Ed degree as per G.O.Ms.No.324 dated 25.04.1995. However, the respondents proceeded to reduce the salary by cancelling the incentive increment from April 2018 which caused serious monetary loss every month.

3. According to the petitioner there cannot be any order of recovery of incentive increment contrary to the Government order. The petitioner pointed out that the order dated 08.08.2014 passed by the third respondent granting incentive increments is still in force while so, his salary was reduced despite his representation. The petitioner made representation on 13.11.2018 to the respondent to set right his salary and also not to recover the amount granted towards incentive increments. However, as there was no response forth coming from the respondents, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that it would suffice to issue direction to the respondents to dispose of the representation in accordance with law.

5. Considering the facts and circumstances and the representation made by the petitioner dated 13.11.2018, is still pending with the respondents, this Court feels it appropriate to direct the respondents to dispose of the representation by passing appropriate orders therein, in accordance with law and on merits. Accordingly, the respondents are directed to consider the representation of the petitioner dated 13.11.2008 and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600006.
- 2.The District Educational Officer,
Tindivanam Education District, Villupuram District.
- 3.The Additional Assistant Elementary Educational Officer,
Presently, The Block Educational Officer,
Olakkur Block, Villupuram District.

+1cc to Government Pleader SR.NO. 83644
+1cc to Mr.G.Sankaran, Advocate sr.83411

W.P.No.28364 of 2019
and
W.M.P.No.28050 of 2019

pa(co)
nr 21/11/2019

सत्यमेव जयते
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