

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM :

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.28687 of 2017
and
W.M.P. No.30875 of 2017

1.E.R.Devasena
2.B.Anand Lakshmi

... Petitioners

[Dismissed as withdrawn by the
2nd petitioner on 13.03.2019]

Vs.

1.The Government of Tamil Nadu,
Rep. Principal Secretary, Public Works Department,
Fort St. George,
Chennai - 9.

2.The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings) Chennai Region &
Chief Engineer (GI), PWD,
Chepauk, Chennai - 5.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant the petitioners two advance increments for acquiring P.G. Degree in Engineering from the date of acquiring P.G. Degree and consequent of pay arrears therefore within a time frame as may be fixed by this Court.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The writ petitioner seeks issuance of a mandamus directing the respondents to grant two advance increments from the date of acquiring Post Graduate qualification.

2.It is seen that this issue is no longer res integra. The 1st petitioner is working as Assistant Engineer in Public Works

Department and has acquired M.Tech. (Structural Engineering) in May 2017. This fact is not under dispute. Thus, as per G.O.Ms.No.97 dated 05.07.2010, she is entitled for two advance increments. Despite various representations, she has not been granted the said increments and hence, she is constrained to approach this Court.

3.I am at loss to understand the rationale behind inaction of the Government in this case. Commencing from decision of this Court in the case of Dr.V.Singaravelu v. Government of Tamil Nadu and others [W.P.No.39313 of 2016 dated 23.11.2016], Benches of this Court have been consistently quashing the orders rejecting the request for grant of increments and have been directing the respondents to pass appropriate orders granting the same. This Court, in the case of R.Senthil Kumar v. Government of Tamil Nadu and others [W.P.No.33440 of 2015 dated 30.01.2017] had set aside order of the 1st respondent dated 19.03.2014 and had directed the Director of Boilers, Public Works Department, to pass appropriate orders on the request for two advance increments, on merits, in the light of G.O.Ms.No.97 dated 05.07.2010. Subsequent order of this Court in W.P.No.11884 of 2016 dated 19.05.2017 is also to similar effect.

4.It is also pertinent to note that, a counter has been filed by the 2nd respondent, executed by the Joint Chief Engineer (General) and Engineer-in-Chief (Buildings) relying upon clarification dated 19.03.2014, which also stands set aside by this Court in W.P.No.33440 of 2015 by order dated 30.01.2017. The aforesaid order has attained finality, despite which the Government relies upon clarification dated 19.03.2014 in its counter filed in March 2018 in the present case.

5.In the light of the aforesaid, the respondents are directed to pass appropriate orders granting two advance increments to the 1st petitioner within a period of two weeks from the date of receipt of a copy of this order, in the light of the eligible Government orders and circulars.

6.The writ petition is allowed on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

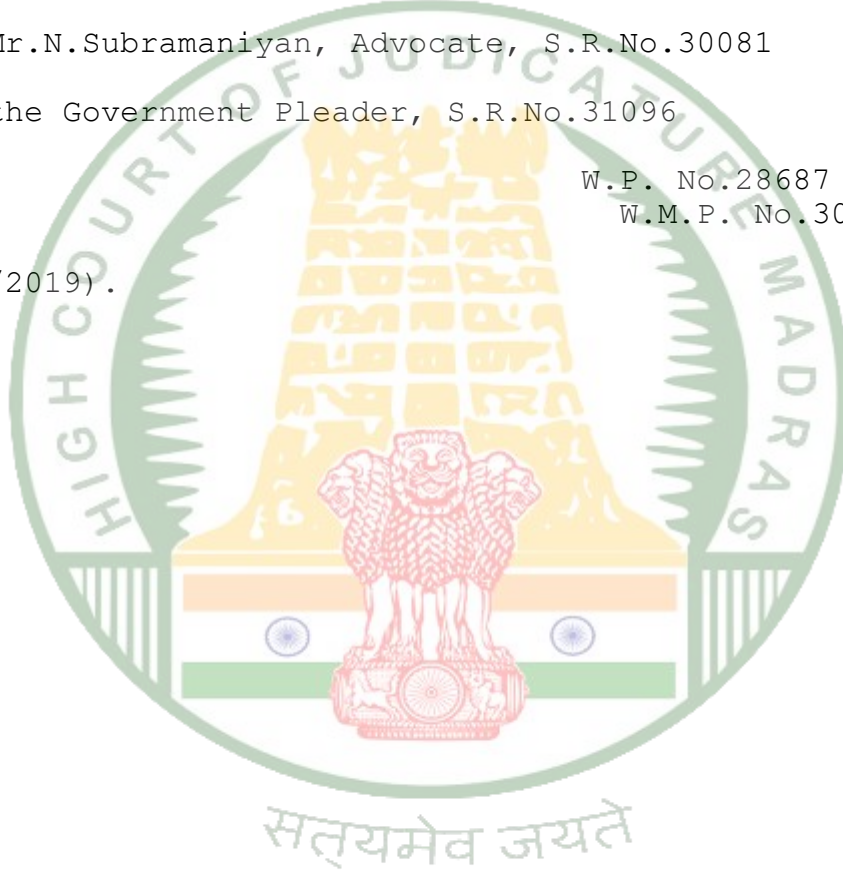
1. The Principal Secretary,
Public Works Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.
2. The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings) Chennai Region &
Chief Engineer (GI), PWD,
Chepauk, Chennai - 5.

+1 cc to Mr.N.Subramaniyan, Advocate, S.R.No.30081

+1 cc to the Government Pleader, S.R.No.31096

W.P. No.28687 of 2017 and
W.M.P. No.30875 of 2017

PA(CO)
SSM(09/05/2019).



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