



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.05.2019

CORAM:

**THE HONOURABLE MRS. JUSTICE J. NISHA BANU**

W.P(MD)No.12144 of 2019 and  
WMP(MD).No.9129 of 2019

WEB COPY

S.Dhanalakshmi

... Petitioner

Vs.

1. The Commissioner,  
Madurai Corporation,  
Madurai.

2. The Corporation Educational Officer,  
Madurai Corporation,  
Madurai.

... Respondents

**PRAYER:** Writ Petition is filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the incentive increment for the higher qualification of M.Phil., with effect from 06.10.2010 by implementing the proceedings issued by the 2<sup>nd</sup> respondent in Na.Ka.No.A4/026768/2015 dated 26.08.2015 with all consequential benefits to the petitioner.

For Petitioner : Mr. V.Panneerselvam  
For Respondents : Mr.J.Gunaseelanmuthaiya  
Additional Government Pleader

### ORDER

This Writ Petition has been filed to direct the respondents to sanction the incentive increment for the higher qualification of M.Phil., with effect from 06.10.2010 by implementing the proceedings issued by the 2<sup>nd</sup> respondent in Na.Ka.No.A4/026768/2015 dated 26.08.2015 with all consequential benefits to the petitioner.

2. The grievance of the petitioner is that she was appointed as B.T. Assistant on 06.10.2010 and at the time of appointment she possessed the higher qualification of M.Sc., and M.Phil., for which, incentive increment was sanctioned for M.Phil., from the date of joining, namely, 06.10.2010 onwards, but for M.Phil, it is given only from 18.01.2013. Hence, she made request to sanction the incentive increment for M.Phil., from 06.10.2010 and accordingly, the second respondent has also approved the request of the petitioner by way of Na.Ka.No.A4/026768/2015 dated 26.08.2015 itself, but, the said order has not been implemented till today. Subsequently, the petitioner made various representations to the



respondents requesting the respondents to implement their own proceedings and the same is still pending for consideration. Hence, the petitioner has filed the present Writ Petition.

3. Heard Mr.V.Pannerselvam, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader, who takes notice for the respondents.

4. A perusal of the records would show that the second respondent has already passed an order in favour of the petitioner wayback in the year 2015 by way of proceedings in Na.Ka.No.A4/026768/2015, dated 26.08.2015, but, without assigning any reason, it has not been given effect to for more than four years. Since the second respondent has already approved the case of the petitioner sanctioning the benefits wayback in the year 2015 itself, the respondents are directed to sanction the incentive increment to the petitioner for possessing the higher qualification of M.Phil., with effect from 06.10.2010 by implementing the proceedings of the second respondent made in Na.Ka.No.A4/026768/2015 dated 26.08.2015, with all consequential benefits to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/  
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,  
Madurai Corporation,  
Madurai.

2. The Corporation Educational Officer,  
Madurai Corporation, Madurai.

+1 CC to Mr.V.PANNEER SELVAM, Advocate ( SR-65934[F] dated 16/05/2019 )

+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate ( SR-65921[F] dated 16/05/2019 )

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