

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.11878, 11879 & 11880 of 2014****WEB COPY**

S.Sudha	... Petitioner in W.P. (MD) No.11878 of 2014
Devi Rani	... Petitioner in W.P. (MD) No.11879 of 2014
Sudhamathi	... Petitioner in W.P. (MD) No.11880 of 2014

vs.

1.The Secretary to Government
School Education Department
Secretariat, Chennai

2.The District Elementary Educational Officer
Theni District, Theni

3.Assistant Elementary Educational Officer
Bungalow Medu Road, Theni
Theni District

... Respondents in all W.Ps.

PRAYER (in W.P. (MD) No.11878 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.961/A2/2013 dated 11.11.2013 and quash the same and consequently direct the Respondents to grant 3rd incentive to the petitioner.

PRAYER (in W.P. (MD) No.11879 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.962/A2/2013 dated 11.11.2013 and quash the same and consequently direct the Respondents to grant 3rd incentive to the petitioner.

PRAYER (in W.P. (MD) No.11880 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.963/A2/2013 dated 11.11.2013 and quash the same and consequently direct the Respondents to grant 3rd incentive to the petitioner.

For Petitioner : Mr.M.Suresh Kumar
(in all W.Ps.)

For Respondents : Mrs.S.Srimathy
(in all W.Ps.) Special Government Pleader



C O M M O N O R D E R

The relief sought for in the present writ petitions is to quash the orders of rejection dated 11.11.2013, passed by the third respondent, rejecting the claim of the writ petitioners for grant of third incentive increment.

2. The writ petitioners are working as Secondary Grade Teachers. On possessing the additional educational qualification, the writ petitioners submitted applications for incentive increment as per the Government Orders. Two incentive increments were sanctioned in favour of the writ petitioners and they are receiving two incentive increments. Thereafter, the writ petitioners submitted applications seeking third incentive increment for the additional educational qualification acquired by them. The claim of the writ petitioners was rejected by the orders impugned in the present writ petitions. Hence, the writ petitioners were constrained to move the present writ petition.

3. The issue with regard to grant of third incentive increment was already adjudicated by the Honourable Division Bench of this Court, vide Judgment dated 29.06.2018 in W.A.No.1664 of 2016, by stating that a Teacher is entitled to get only two incentive increments throughout the service. This Court has also passed number of orders stating that as per the Government Orders in force, the Teacher is entitled to get two incentive increments in the entire service. In the present case, admittedly, the writ petitioners are already receiving two incentive increments and therefore, they are not entitled for third incentive increment as per the Government Order in force. In such view of the matter, the impugned orders, dated 11.11.2013, passed by the third respondent, are in consonance with the policy of the Government in the matter of grant of third incentive increment.

4. Accordingly, the writ petitions are devoid of merits and stand dismissed. No costs.

Sd/-

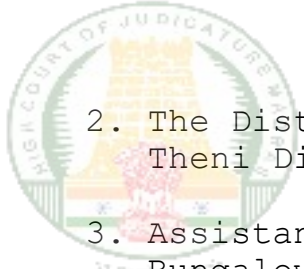
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.



2. The District Elementary Educational Officer,
Theni District, Theni.

3. Assistant Elementary Educational Officer,
Bungalow Medu Road, Theni,
Theni District.

+3 CC to Mr.M.SURESH KUMAR, Advocate SR-82053, 82052, 82051

W.P. (MD) Nos.11878, 11879 &11880 of 2014
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