



WEB COPY

W.P. (MD) Nos.13142 to 13144 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.13142 to 13144 of 2014

and

M.P. (MD) .Nos.1,1,1,2,2 and 2 of 2014

1.Sivanesan	... Petitioner in W.P. (MD).No.13142/14
2.A.Muthulakshmi	... Petitioner in W.P. (MD).No.13143/14
3.S.Soosai	... Petitioner in W.P. (MD).No.13144/14

Vs.

1.The Chief Educational Officer, Sivagangai District, Sivagangai.	... 1 st Respondent in all WP's
2.The Head Master, Government High School, Sakkanthi Sivagangain Union, Sivagangai District.	... 2 nd Respondent in WP (MD) No.13142/2014
3. The Head Master, Government High School, Keelakantani, Sivagangai Union, Sivagangai District.	... 2 nd Respondent in WP (MD) No.13143/2014 & 13144/2014
4.The Regional Accounts Officer(Audit) School Education Department, Madurai-2.	...3 rd Respondents in all W.Ps

PRAYER in W.P. (MD) .No.13142 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 2nd respondent impugned order by his proceedings in Na.Ka.No.87/2014, dated 15.07.2014 and quash the same.

PRAYER in W.P. (MD) .No.13143 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 2nd respondent impugned order by his proceedings in Na.Ka.No.82/2014, dated 18.07.2014 and quash the same.

PRAYER in W.P. (MD) .No.13144 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call

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for the records of the 2nd respondent impugned order by his proceedings in Na.Ka.No.82/2014, dated 18.07.2014 and quash the same.

For Petitioner : Mr.J.John

For Respondents : Mrs.S.Srimathi

Special Government Pleader

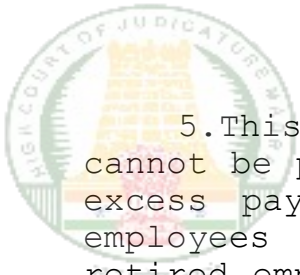
COMMON ORDER

The orders of recovery in respect of the excessive incentive increment granted to the writ petitioners are under challenge in the present writ petition.

2.The writ petitioners are working as secondary grade Teachers. On acquisition of additional educational qualification, the writ petitioners submitted applications for grant of incentive increments. The incentive increments were granted to the writ petitioners with effect from the year 2009 for M.Phil degree. However the Government Order was issued in G.O.M.S. No.18 School Education (E2) Department, dated 18.01.2013. Thus the second incentive increment ought to have been granted to the writ petitioners with effect from the year 2013. By mistake, it was granted from the year 2009, in violation of the Government Order granting incentive increments.

3.The incentive increment is a concession provided to the Teachers. Incentive increment is a special scheme implemented in order to encourage the Teachers for acquiring additional educational qualification which would be beneficial to the students who all are studying in the school for imparting better education, Thus such special scheme is sought to be implemented strictly in accordance with the terms and conditions stipulated in the policy itself. Various Government Orders are passed time to time for grant of incentive increments. Thus all such grant of incentive increments sought is to be regulated strictly in accordance with the Government Orders in force.

4.In respect of the present writ petitions on hand, admittedly, the writ petitioners are entitled to get second incentive increment as per the G.O. A teacher is entitled to get two incentive increments in the entire service. Thus the second incentive increment is to be granted in accordance with the G.O. In the present case, it is stated that excess amount towards incentive increment was paid, by mistake. The errors or mistake, if any, occurred can be corrected. incentive increment being a concession can be regulated if any mistake occurred or committed by the establishments of the Government Department. Under these circumstances, there is no error in correcting the mistakes.



5.This court has consistently held that the tax payers money cannot be paid excessively to the public servants. In the event of excess payments,the same can be recovered as for as in service employees are concerned. Certain excess amount granted to the retired employees and to the employees working in Group-IV services cannot be reduced. However, in respect of all other employees,if any excess payment has been paid the same has to be recovered and deposited in the Government Treasuries. This being the principles to be followed there is no error in recovering the excess payments made to the writ petitioners. However two incentive increments granted to the writ petitioners is not in accordance with the Government Order and there is infirmity as such. This being the factum,the impugned order in respect of the recovery alone can be implemented and the grant of second incentive increment to the writ petitioners is sought to be regulated by proper verification of the service records and services and accordingly suitable orders can be passed.

6.With these directions, these writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar

To

- 1.The Chief Educational Officer,
Sivagangai District, Sivagangai.
- 2.The Head Master,
Government High School,
Sakkanthi, Sivagangain Union, Sivagangai District.
- 3.The Head Master,
Government High School,
Sakkanthi, Sivagangain Union, Sivagangai District.
- 4.The Regional Accounts Officer(Audit)
School Education Department, Madurai-2.

+1 CC to M/s.SPL GP (SR-81963[F] dated 16/08/2019

W.P. (MD) Nos.13142 to 13144 of 2014 and
M.P. (MD) .Nos.1,1,1,2,2 and 2 of 2014
14.08.2019

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