



WEB COPY

W.P.(MD) No.14127 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14127 of 2015

and

M.P. (MD) No.1 of 2015

O.Chandrasekaran

... Petitioner

vs.

1.The Government of Tamilnadu,
rep. by its Secretary,
School Education Department,
Chennai.

2.The Director of School Education,
College Road, Chennai-06.

3. The District Elementary
Educational Officer,
The District Elementary
Educational Office,
Tiruchirappalli.

4.The Additional Assistant
Elementary Educational Officer,
Elementary Educational Office,
Musiri Taluk, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the 4th respondent Na.Ka.No.1555/A2/2014 dated 21.11.2014 and quash the same as illegal and direct the 1, 2 respondents to sanction the 3rd incentive increment for the petitioner.

For Petitioner : Mr.S.Muthu Krishnan

For Respondents: Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 21.11.2014, passed by the fourth respondent, rejecting the claim of the writ petitioner for grant of third incentive increment.



2. The writ petitioner is working as a Graduate Teacher. On possessing the additional educational qualification, the writ petitioner submitted an application for incentive increment as per the Government Orders. Two incentive increments were sanctioned in favour of the writ petitioner and he is receiving two incentive increments. Thereafter, the writ petitioner submitted an application seeking third incentive increment for the additional educational qualification acquired by him. The claim of the writ petitioner was rejected by the order impugned in the present writ petition. Hence, the writ petitioner was 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 petitioner is already receiving two incentive increments and therefore, he is not entitled for third incentive increment as per the Government Order in force. In such view of the matter, the impugned order, dated 21.11.2014, passed by the fourth respondent, is in consonance with the policy of the Government in the matter of grant of third incentive increment.

4. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Secretary,
School Education Department,
Government of Tamilnadu,
Chennai.

2.The Director of School Education,
College Road, Chennai-06.



3.The District Elementary
Educational Officer,
The District Elementary
Educational Office,
Tiruchirappalli.

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+1 CC to SPL GP SR-79658.

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and
M.P. (MD) No.1 of 2015
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