



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.20072 of 2015

Ramachandran

... Petitioner

Vs.

1.The Accountant General,
(Accounts & Entitlements),
361, Anna Salai,
Teynampet,
Chennai - 600 018.

2.The Joint Director of Education,
Higher Secondary Schools,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Sivagangai District.

4.The Head Master,
Government Higher Secondary School,
Vetriyoor,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to grant one set of incentive increment to the petitioner for his M.Phil qualification from the date of acquiring the qualification by entering the M.Phil qualification of the petitioner in his service register and consequently direct the first respondent revise the pensionary benefits payable to the petitioner.

For Petitioner : Mr.M.Gnanagurunathan

For Respondent No.1 : Mr.P.Gunasekaran
Standing Counsel

For Respondents 2 to 4 : Mrs.S.Srimathy
Special Government Pleader



O R D E R

The relief sought for in the present writ petition is for a direction to direct the fourth respondent to grant one set of incentive increment for acquiring M.Phil. qualification from the date of possessing the qualification.

2.Learned Counsel for the writ petitioner states that the petitioner was appointed as P.G. Assistant in English in the year 1985. The petitioner acquired additional educational qualification and based on the qualification, he submitted an application seeking incentive increment as per the Government orders in force. Admittedly, two incentive increments were already granted to the writ petitioner. The writ petitioner once again submitted an application for grant of third incentive increment for M.Phil. Degree. However, the third incentive increment was denied and therefore, the writ petitioner is constrained to move the present writ petition.

3.Learned Counsel for the writ petitioner states that as per the Government orders, the writ petitioner is entitled for third incentive increment.

4.This Court considered the Government policy in the matter of granting incentive increment on acquisition of additional educational qualification. As per the Government orders in force, a Teacher is entitled to get two incentive increments in his / her entire career. Thus, the writ petitioner is also entitled to get two incentive increments and already two incentive increments were granted to the writ petitioner. This being the factum, the writ petitioner is not entitled to claim the third incentive increment. The grant of incentive increment has already been settled by the Division Bench of this Court in W.A.No.1664 of 2016 dated 29.06.2018

5.As per the Division Bench order, the writ petitioner is entitled to get only two incentive increments and third set of incentive increment cannot be granted. This being the legal principles already settled, the very claim of the writ petitioner for third incentive increment cannot be considered.

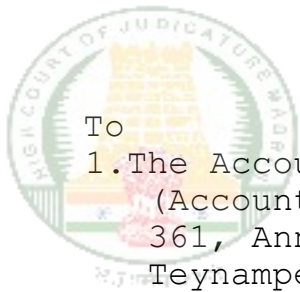
6.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Accountant General,
(Accounts & Entitlements),
361, Anna Salai,
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+1 CC to M/s.SPL GP (SR-78553[F] dated 30/07/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-78597[F] dated
30/07/2019)

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-78600[F] dated
30/07/2019)

W.P[MD]No.20072 of 2015
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MR

JMN(13.08.2019) 3P : 8C