



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P. (MD)No.20842 of 2017

K.Pon Madasamy

... Petitioner

Vs.

1.The Secretary,
Transport Department,
Government of Tamilnadu,
Chennai.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli. ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant the benefit of "Two Advance Increment" to the petitioner for obtaining additional Educational Qualification while in service, in the light of the G.O.Ms.No.217, dated 08.09.2007.

For Petitioner	: Mr.M.Gururaj
For R1	: Mr.C.M.Marichellaiah Prabhu, Additional Government Pleader
For R2	: Mr.K.Sathiyasingh

ORDER

This writ petition is filed seeking for a mandamus, directing the second respondent to grant the benefit of "Two Advance Increment" to the petitioner, for obtaining additional Educational Qualification while in service, in the light of G.O.Ms.No.217, dated 08.09.2007.

2. The grievance of the petitioner is that he is entitled for advance increment given to the similarly placed persons. The petitioner has obtained Master's degree in distance education mode without undergoing Secondary, Bachelor's degree (10+2+3 mode). As per G.O.Ms.No.217, dated 08.09.2007, any degree obtained in the distance education mode is considered to be equivalent and applicable to all public employment, as if the degree had been obtained through regular stream. In view of the same, the petitioner has sent representation to the respondents on 16.08.2017. The respondents have not passed any order and hence, the petitioner has come out with the present writ petition, seeking for two advance



increments for obtaining the additional educational qualification, while he was in service in the light of G.O.Ms.No.217, dated 08.09.2007.

3. The learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent submitted that the petitioner obtained degree through distance education and therefore, he is not entitled for two advance increments for obtaining the additional educational qualification and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. Considering the submission of the learned counsel for the petitioner and the respondents, without deciding the issue on merits in the writ petition, the second respondent is directed to consider the representation of the petitioner, dated 16.08.2017 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

am
To

1. The Secretary,
Transport Department,
Government of Tamilnadu,
Chennai.

2. The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.

+1 CC to M/s.GP (SR-88574[F] dated 23/09/2019)
+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-88836[F] dated 24/09/2019)

W.P. (MD) No.20842 of 2017
20.09.2019

JM/15.10.2019/2P/5C

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