

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 12387 of 2013

G.Jayaprakasam

.. Petitioner

- Vs -

1. The Government of Tamilnadu
Represented by Principal Secretary to Government
Health and Family Welfare Department
Secretariat,
Chennai 600 009.

2.The Director of Public Health and Preventive
Medicine
Chennai 600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, calling for the records of the second respondent relating to the order in RC.No.66468/E2/S2/12 dated 20.07.2012 of the second respondent in so far as it related to the denial of two advance increments and to quash the same and issue consequential directions to the respondent herein to sanction to the petitioner's two advance increments in the post of Junior water analyst with effect from 16.03.1993 for acquiring P.G. Degree Qualification (M.A. Qualification) and to refix his pay on that basis and disburse the consequential monetary benefits to him.

For Petitioner : Mr. J.Muthukumaran

For Respondents: Mr.S.P.Thangavel, Spl.G.P

ORDER

The petitioner, who was working as Special Grade Junior Water Analyst in the office of the Chief Water Analyst, Guindy, Chennai has come forward with this writ petition Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, to call for the records of the second

respondent relating to the order in RC.No.66468/E2/S2/12 dated 20.07.2012 and quash the same in so far as the denial of two advance increments, the petitioner filed this writ petition before this Court.

2.The case of the petitioner is that the petitioner joined service on 02.08.1976 as Lab Technician Grade I, and was later on promoted as Junior Water Analyst with effect from 15.03.1993 AN. While he was in service he acquired P.G.Degree Qualification, i.e., M.A. (Psychology) in the year 1985. Thereafter the petitioner made a representation on 14.02.2012 to the second respondent for two advance increments. Since the said representation was not considered, the petitioner filed a writ petition in W.P. Nos.12522, 12523 & 1254 of 2012, and this Court by order dated 05.06.2012 issued a direction to the first respondent to consider the petitioner's representation and pass orders thereon within a period of four weeks. Again the petitioner made a representation on 15.07.2012, which was rejected by the respondent vide order dated 20.07.2012 and challenging the same the present writ petition is filed.

3. Mr. J.Muthukumaran, learned counsel appearing for the petitioner submitted that as per G.O.Ms. No.1175 dated 09.05.1975, irrespective of the qualification, once a person acquires a post-graduate degree, he is entitled to receive two advance increments, provided they have not drawn such increment in the lower post. In the present case the petitioner has not drawn any increments in the lower post and, on acquiring the post-graduate qualification, the petitioner is entitled to the benefit of the said Government Order, providing two advance increments. However, without considering the said representation the respondent rejected the petitioner's claim, which is wholly unsustainable and, prayed for allowing the petition.

4. Per contra, learned Special Government Pleader appearing for the respondent submitted that though the petitioner acquired M.A.(Psychology) degree in the year 1986, however the said post-graduate degree is not a relevant qualification in the area of specialization of work being engaged in by the petitioner and the Government Order referred by the petitioner is not applicable to the case of the petitioner. Learned Special Government Pleader placed reliance on G.O. Ms. No.907, Personnel & Administrative Reforms (FR.II) Dept., dated 17.09.1986, which is the applicable Government Order, insofar as the petitioner is concerned, which clearly mandates that the higher qualification obtained should be relevant to the area of specialization instead of any other

subject. The petitioner having not obtained the higher qualification in the relevant area of specialization, he is not entitled to claim the two advance increments and, therefore, prays for dismissal of the petition.

5. This Court heard the rival submissions made by either learned counsel on either side and also perused the materials available on record.

6. A perusal of the materials on record reveal that two Government Orders are pressed into service, one by the petitioner and another by the respondents. A careful reading of the two Government Orders reveal that the Government Order, which is applicable to the case on hand is the one relied on by the learned Special Government Pleader, which is G.O. Ms. No.907, Personnel & Administrative Reforms (FR.II) Department, dated 17.09.1986, which clearly stipulates that a person who acquired post-graduate degree in the relevant subject alone is entitled to receive two advance increments. In the case on hand, the post-graduate degree obtained by the petitioner is not in the area of specialization of the petitioner, but in a wholly different field and, therefore, the claim of the petitioner for two advance increments is not sustainable. The respondents have carefully considered the representation of the petitioner and have rightly rejected the same for the reasons aforesaid and, this Court, is not inclined to interfere with the well considered rejection order passed by the respondent.

7. For the reasons aforesaid, this Court is not inclined to interfere with the impugned order and, accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs/GLN

To

1. The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department
Secretariat,
Chennai 600 009.

2.The Director of Public Health and Preventive
Medicine
Chennai 600 006.

W.P. NO.12387 OF 2013

GJ(CO)
CB(24/09/2020)



WEB COPY