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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 20.10.2021

C O R A M

THE HON'BLE MR. JUSTICE C.SARAVANAN

WRIT PETITION NO.22141 OF 2021

(Through Video Conferencing)

C.Karunanithi

...Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Joint Director of School
Education(Vocational) College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.
5. The District Educational Officer,
Thiruvarur District,
Thiruvarur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents to grant second set of incentive increment to the Petitioner for acquiring M.Phil Degree, in the examination April, 2010 through Madurai Kamarajar University, to the Petitioner as per the G.O.Ms.No.240 School Education (VE Department) dated 18.08.2010 with arrears of pay and to send revised pension proposals to the Accountant General for sanction and grant arrears of pension.



For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.V.P.R.Elamparithi

O R D E R

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This writ petition has been filed to direct the Respondents to grant second set of incentive increment to the Petitioner for acquiring M.Phil Degree, in the examination April, 2010 through Madurai Kamarajar University, to the Petitioner as per the G.O.Ms.No.240 School Education (VE Department) dated 18.08.2010 with arrears of pay and to send revised pension proposals to the Accountant General for sanction and grant arrears of pension.

2. Though the Petitioner has sought for a wider relief in this writ petition, it is noticed that the Petitioner's representation dated 04.11.2018 for grant of incentive increment in terms of G.O.Ms.No.240 School Education (VE Department) dated 18.08.2010 has not received attention.

3. Appearing on behalf of the Respondents, the learned Government Advocate submits that the Petitioner was working as a vocational instructor and now he is aged about 65 years and therefore, the writ petition is liable to be dismissed on the ground of laches.

4. I have considered the arguments advanced by the learned counsel appearing on either side and perused the materials available on record. It is the duty of the Respondents to implement the Government Orders in letter of spirit and wherever an employee entitled for any incentive or benefits under the Government order. It is not for the Government employee to approach the Department for grant of such relief. The records indicate that the Government employees were entitled to such relief and benefits.

5. Considering the same, this writ petition is disposed by directing the Respondents 1 to 3 to consider the representation dated 04.11.2018 of the Petitioner and pass appropriate orders on merits and in accordance with law within a period of 16 weeks from the date of receipt of a copy of this order. The Respondents shall consider whether the Petitioner was eligible for the benefit of G.O.Ms.No.240 School Education (VE Department) dated 18.08.2010 while in service. If so, the Respondents 1 to 3 shall extend the benefit to the Petitioner, even though the Petitioner has already retired from service.



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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rrg

To

1. The Secretary to Government,
The Government of Tamil Nadu
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Joint Director of School
Education(Vocational)College Road,
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Thiruvarur District,
Thiruvarur.
5. The District Educational Officer,
Thiruvarur District,
Thiruvarur.

+1CC to Mr.R.Saseetharan, Advocate, Sr.No.53784
+1CC to Mr.Government Pleader, Sr.No.54248

W.P.No.22141 of 2021

SPD (CO)
K.RK. (24.11.2021)