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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.25399 OF 2021

K.Sujayakumari

... Petitioner

Vs.

1. State of Tamil nadu, rep. by its
Chief Secretary to Government Department,
Fort St. George, Chennai 600 009.

2. State Commissionerate for Differently abled
Jawaharlal Nehru Ring Road,
K.K.Nagar, Chennai 600 078.
Now at: Lady Willington College Campus,
Kamarajar Salai, Chennai 600 005.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to dispose of the petitioner's Statutory Appeal filed before the first respondent dated 06.01.2020 and the said Appeal has been served on the respondent on 09.01.2020 and pass orders.

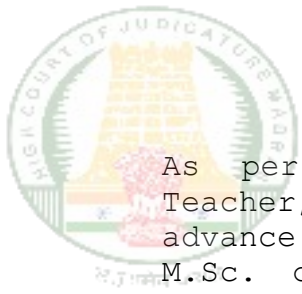
For petitioner : Mr.A.R.Nixon

For respondents : Mr.G.Krishnaraj,
Addl.Govt.Pleader for R1 & R2.

ORDER

This writ petition has been filed seeking Writ of Mandamus, directing the respondents to dispose of the petitioner's Statutory Appeal filed before the first respondent dated 06.01.2020.

2. The petitioner was appointed as Secondary Grade Teacher with B.Ed. qualification, in Kottaram CSI High School for Deaf.



As per G.O.Ms.No.42 dated 19.01.1969, the Secondary Grade Teacher, who acquired B.Ed qualification is eligible for two advance increments and another two advance increments for M.A., M.Sc. or M.Ed. The incentive schemes in Differently Abled Department are followed by G.O.Ms.No.510 dated 10.05.1989 and as per the above G.O., B.Ed. qualified teacher, while working as Secondary Grade Teacher is not eligible for incentives. The Accountant General in Legal Cell/RTI-343-2018-19-45178 dated 20.08.2018 also clarified that the Secondary Grade Teachers, who are appointed with higher qualifications are not eligible to draw any incentive increments for their higher qualification. According to the petitioner, the B.Ed. qualified teachers appointed in Secondary Grade Vacancy is eligible for incentive increments for M.A., M.Ed., in B.T. post only.

2.1. The petitioner has retired from service on 31.05.2014. After retirement, she gave representation to the respondents to calculate her emoluments including incentive increment for M.A., M.Ed. Her claim was rejected by the second respondent. Against which, she preferred a Statutory Appeal before the first respondent on 06.01.2020. But the first respondent has failed to consider and dispose the appeal. Hence this writ petition.

3. The learned counsel for the appearing for the petitioner submitted that, the petitioner has made an appeal before the first respondent against the order passed by the second respondent, who refused her claim for increment, on par with the other teachers worked in the Educational Department. But, the appeal is pending, without any progress and hence, direction may be issued to the first respondent to issue order on the appeal filed by the petitioner.

4. The learned Government Advocate appearing for the respondents submitted that, if any such appeal is pending before the first respondent, the same would be considered by them, on its own merits, in accordance with law.

5. Considering the submissions made by the learned Government Advocate, without expressing any opinion on merits, this court is inclined to pass the following order, as the admission stage itself.

6. Accordingly, the first respondent is directed to consider the petitioner's appeal dated 06.01.2020 and pass orders on its own merits, within twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner is directed to submit the copy of the appeal, along with the copy of this order before the first respondent.



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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chief Secretary to Government Department,
State of Tamil nadu
Fort St. George, Chennai 600 009.
2. State Commissionerate for Differently abled
Jawaharlal Nehru Ring Road,
K.K.Nagar, Chennai 600 078.
Now at: Lady Willington College Campus,
Kamarajar Salai, Chennai 600 005.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.62581

+1cc to the Government Pleader, S.R.No.62621

W.P.No.25399 of 2021

KG(CO)
RLP(17/12/2021)