



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8419 of 2021

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S.B.Balamurugan

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Higher Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of Collegiate Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

4.Nadar Mahajana Sangam,
S.Vellaichamy Nadar College,
Rep. by its Secretary,
Nagamalai,
Madurai - 625 019.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 18.01.2021 and award three incentive increments to the petitioner notionally for acquiring higher qualification namely Ph.D within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

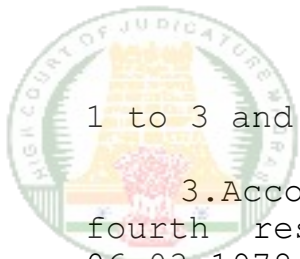
For RR 1 to 3 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

For R - 4 : Mr.N.Dilipkumar

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner, dated 18.01.2021 and award three incentive increments to him notionally for acquiring higher qualification namely, Ph.D within a time frame to be fixed by this Court.

2.Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondents



1 to 3 and the learned counsel appearing for the fourth respondent.

3. According to the petitioner, he joined the services of the fourth respondent College as Assistant Professor (English) on 06.03.1978 and retired from service on attaining the age of superannuation on 31.05.2013. On the date of superannuation, he had acquired Ph.D Degree. Hence, he is entitled to receive three incentive increments for acquiring higher qualification, namely Ph.D. The fourth respondent has sent a proposal for awarding incentive increments to the petitioner through the third respondent. Further, according to the petitioner, he is entitled to receive incentive increments on the next date of his retirement ie., on 01.06.2013.

4. The learned counsel appearing for the petitioner submitted that the Government issued G.O.Ms.No.311, Finance (CMPC) Department, dated 31.12.2014, ordering that the Government Servants, who are eligible to receive increment on the next day of their retirement are entitled to receive the same notionally. The said G.O was implemented and benefits were disbursed to the Government servants and the said G.O is applicable to the petitioner also. Hence, the petitioner has come out with the present Writ Petition to direct the respondents to consider his representation, dated 18.01.2021 and to award three incentive increments to him notionally, for acquiring higher qualification within the time frame to be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the incentive increments granted to the Teachers for acquiring higher qualification during their service is to serve the students a better education. In the present case, the petitioner retired from service on 31.05.2013. On the date of his retirement, he acquired higher qualification. Hence, he is not entitled to any incentive increments and prayed for dismissal of the Writ Petition.

6. The very concept of incentive increments had been introduced by the Government of Tamil Nadu to encourage the morale of the Teachers to acquire more higher qualifications and utilize the knowledge, which they acquired through the higher education for the purpose of developing the educational system and the quality of teaching. In the present case, the petitioner has acquired higher qualification on the date of his retirement. Therefore, he is not entitled to any incentive increments.

7. At this juncture, the learned counsel appearing for the petitioner also admitted the same and seeks permission of this Court to withdraw the Writ Petition with liberty to the petitioner to give a fresh representation to the respondents.



8.In view of the submissions made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed as withdrawn. No costs.

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// True Copy //

Sd/-

Assistant Registrar (W)

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

- 1.The Principal Secretary,
Higher Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Collegiate Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-17493[F] dated 26/04/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-17405[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17547[F] dated 26/04/2021)

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GS (19.05.2021) 3P 7C