



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

**W.P(MD) No. 11700 of 2014 and
M.P(MD).No.1 of 2014**

S.A. Sankaran

: Petitioner

.vs.

1. The District Elementary Education Officer,
Tirunelveli.

2. The Assistant Elementary Education Officer,
Tirunelveli.

3.The Secretary,
Hindu Middle School,
Matha Middle Street,
Tirunelveli Town,
Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus calling for the records of the respondents 1 and 2 in Na.Ka.No.43.A1/13, dated 22.03.2013 and O.Mu.No.2352/A3/2013, dated 29.08.2013 respectively and quash the same and consequently direct the respondents 1 and 2 to grant two incentive increment for completing the degree in M.A., Economics and M.Phil, with all monetary benefits including the arrears within the time fixed by this Court.

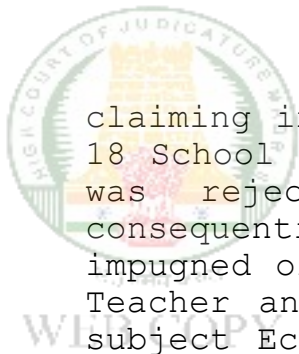
For Petitioner
For R1 and R2

: Mr.H. Arumugam
: Mrs.D. Farjana Ghoushia
Special Government Pleader

O R D E R

The Writ petition has been filed to quash the impugned order passed by the respondents 1 and 2 in Na.Ka.No.43.A1/13, dated 22.03.2013 and O.Mu.No.2352/A3/2013, dated 29.08.2013 respectively and consequently direct the respondents 1 and 2 to grant two incentive increment for completing the degree in M.A., Economics and M.Phil, with all monetary benefits including the arrears within the time fixed by this Court.

2. The petitioner has completed B.Sc., (Physics) in the year 1992, B.Ed., in the year 1994, M.A., (Economics) in the year 2000. He was appointed as B.T. Assistant (Science) in the 3rd respondent management School on 01.06.2007. Thereafter, he has obtained Master of Philosophy in the year 2008. The petitioner is



claiming incentive increment for higher studies as per the G.O.(1D) 18 School Education (E2) Department, dated 18.01.2013 and the same was rejected by two impugned orders dated 22.03.2013 and consequential order, dated 29.08.2013. It has been stated in the impugned orders that the petitioner has employed as Secondary Grade Teacher and is taking classes for Standards 6 to 8. There is no subject Economics for the Standards 6 to 8. Since the subject is not relevant to the Secondary Grade post, the respondent has rejected the same.

3. The first respondent has filed counter and has reiterated the impugned order.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. The case of the petitioner is that he has completed M.A., Economics and that incentive increment for higher studies was not given to him. Now, he has completed M.Phil., in the year 2008. Even for this, the respondent is not granting any incentive increment. Since the petitioner has completed M.A., Economics in the year 2000 and was appointed as B.T. Science in the year 2007, he is entitled to increment for M.A., Economics, since the higher qualification was completed prior to the appointment. As far as the M.Phil., Degree is concerned, the petitioner has completed M.Phil., Degree in the year 2008, but in the the subject of Economics. Since the petitioner is taking classes for Standards 6 to 8 alone where there is no Economic subject, the petitioner is not entitled to incentive increment.

6. It is also seen from the records that as on date the petitioner is not receiving any incentive. The Government has issued G.O.Ms.No.37 Personnel and Administration Reforms (FR-IV) Department, dated 10.03.2020 under Clause 6 Sub Clause (vi), it has been stated so.

6. For the foregoing reasons, the Government have taken a decision to cancel / dispense with the scheme of sanction of advance increment for acquiring higher qualification and for passing Account Test for Sub-ordinate Officers Part-I, as per rulings (3) and (4) under FR 31-A and also to cancel the orders issued n Government Orders fifth to eighth read above. Accordingly, the Government issue the following directions:

vi) The cases of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined separately as per the previous



orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance Department. If no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held / degree acquired."

7. It has been stated in G.O.Ms.No.37 that the previous orders were not issued, then the employee is not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held / degree acquired. In the present case there is no previous orders sanctioning incentive increment for higher qualification was passed to the petitioner. Hence, as per G.O.Ms.No.37 under Sub Clause 6(vi) the petitioner is not entitled to the incentive increment for higher studies.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1. The District Elementary Education Officer, Tirunelveli.

2. The Assistant Elementary Education Officer, Tirunelveli.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-35936[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-35845[F] dated 25/11/2021)

W.P(MD) No. 11700 of 2014 and
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SS (CO)

KB(10.12.2021) 3P 5C