



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.11.2021

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.9847 of 2018

V.Balasundaram

... Petitioner

vs.

1.The Hon'ble Secretary to Government,
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 Chief Educational Officer,
Theni,
Theni District.

4.The Head Master,
Government Higher Secondary School,
Jeyamangalam,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 10.07.2017 for refund of incentive increment of Rs.1,42,942/- for acquiring M.Phil., qualification recovered from petitioner together with interest at 12% p.a., and continue to pay the incentive increment to the petitioner.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.V.Om.Prakash
Government Advocate



O R D E R

The petitioner, who is a B.T.Assistant (English) in the Government Higher Secondary School, Jeyamangalam, is qualified with M.A.(English), B.Ed., and M.Phil. He seeks the benefit of G.O.(1D).No.18, dated 18.01.2013, as per which, a candidature who had acquired M.Ed., and M.Phil., is entitled for the grant of incentive increment.

2. The petitioner was also found to hold the aforesaid qualifications and was granted the incentive increment. However, in August 2013, the incentive increment paid to the petitioner was sought to be recovered and the petitioner also returned the amount under a Chellan dated 01.08.2013.

3. Having returned the same on 01.08.2013, it was incumbent on the petitioner to challenge such recovery, if he thought he was so entitled to the incentive, in a timely manner. However, the petitioner has filed a representation only on 10.07.2017, seeking refund of the incentive increment recovered from him. Since there was no response, the present writ petition has come to be filed on 26.04.2018.

4. Since the recovery in question was effected as early as on 01.08.2013, the petitioner ought not to have waited for five years to approach this Court seeking refund of the same. The Writ Petition is hit by laches and is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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.

To

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai-600 009.

<https://hcservices.courts.gov.in/hcservices/>



2.The Director of School Education,
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3.The Chief Educational Officer,
Theni,
Theni District.

4.The Head Master,
Government Higher Secondary School,
Jeyamangalam,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-35188[F] dated 19/11/2021)

+1 CC to M/s.K. APPADURAI, Advocate (SR-35142[F] dated
19/11/2021)

W.P. (MD) No.9847 of 2018
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