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W.P.Nos.28959 of 2019 and 5840 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.Nos.28959 of 2019 and 5840 of 2017

W.P.No.28959 of 2019:

R.Baskaradoss

.. Petitioner

Vs

The Registrar Management
Madras High Court
Chennai - 600 104.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relating to the orders of the respondent in Roc.No.28127/2019/Estt.IV, dated 09/07/2019 quash the same and issue consequential direction to the respondent to sanction two advance increments from 13/06/2008 to 31/05/2016 to the petitioner for having passed Master of Law Degree with all consequential pay fixation and all service and retirement benefits within a stipulated time.

W.P.No.5840 of 2017:

R.Baskaradoss

.. Petitioner



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Vs

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government
Home (Courts-V) Department
Secretariat, Chennai – 600 009.

2. The Registrar General
Madras High Court
Chennai - 600 104.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to the order made in G.O.Ms.No.810, Home (Courts V) Department, dated 29.8.2001, G.O.Ms.No.760, Home (Courts V) Department, dated 9.7.2008 and G.O.(D) No.1316, Home (Courts V) Department, dated 29.12.2016 of the first respondent and to quash the same in so far as not extending the benefits of incentive increment for acquiring M.L.Degree to the post of Section Officer/Court Officer/Appeal Examiner in Madras High Court Service is concerned and consequently direct the first respondent to issue necessary order for sanction of two advance increments to the petitioner for having passed Master of Law Degree with effect from 13.6.2008, the date following the date of last sitting of examination (last date of sitting of M.L. Examination is 12.6.2008) to 31.5.2016, the date of superannuation of the petitioner from Madras High Court Service so as to enable the second respondent to issue an administrative order for sanction of two advance increments for having passed Master of Law Degree with all consequential pay fixation and all service and retirement benefits within the stipulated time (*Prayer amended as per the order dated 5.11.2019 made in WMP.No.31371 of 2019*).

For the Petitioner : Mr.G.Sankaran
in both writ petitions



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For the Respondents : Mr.P.Muthukumar
State Government Pleader
for 1st respondent
in W.P.No.5840 of 2017

: Mr.E.K.Kumaresan
for sole respondent in
W.P.No.28959 of 2019
and second respondent
in W.P.No.5840 of 2017

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The two writ petitions filed by the same petitioner pertain to a common issue and, therefore, taken up together for consideration and decided by a common order.

2. The first writ petition, being W.P.No.5840 of 2017, has been filed to seek the benefit of two advance increments on possessing the qualification of Master of Law degree while the petitioner was in service. It is stated that the benefit was granted to others pursuant to the recommendation made by the Registrar General and accepted by the Government of Tamil Nadu vide its order dated 09.07.2008. However, as the petitioner was not given the benefit of two advance



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increments despite possessing the qualification of Master of Law degree, W.P.No.5840 of 2017 has been filed. In the said writ petition, a direction was given to the petitioner to send a fresh representation and the respondents were directed to examine the same. However, the said representation was rejected by order dated 9.7.2019. Since it was a fresh cause of action, W.P.No.28959 of 2019 was filed to assail the order of the denial of the benefit.

3. Learned counsel for the petitioner submitted that when the benefit of two advance increments has been extended to the officers of the High Court, the petitioner could not have been deprived of the same. The emphasis was made on the government order dated 09.07.2008 and even the recommendation of the Registrar General to allow the similar benefit to all the eligible officers. The prayer is accordingly to issue direction on the respondents to extend the benefit of two advance increments on possessing the qualification of Master of Law degree during the course of service with arrears.

4. The writ petitions are contested by learned counsel for the respondents.



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5. Learned counsel for the High Court submitted that the petitioner was working only on the post of Section Officer while the order dated 09.07.2008 to permit the benefit of two advance increment was extended to the officer on the post of Assistant Registrar and above. The petitioner was in a lower cadre post. Thus, the benefit was not extended and, accordingly, it was denied. It is also stated that the recommendation of the Registrar General of the High Court to extend the benefit to all the employees was not accepted by the Government. Thus, mere recommendation of the Registrar General will not create a right in favour of the petitioner. In view of the above and looking into the fact that the petitioner did not approach this Court immediately after passing of the government order dated 09.07.2008, rather after an unexplained delay that too after retirement, the prayer is to dismiss the writ petitions.

6. We have considered the rival submissions and find that the petitioner is praying for the benefit arising out of a decision taken in the government order dated 09.07.2008. Paragraph 3 of the order dated 09.07.2008 is quoted hereunder for ready reference:



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the post of Section Officer or any other post below the post of Assistant Register. The benefit of two advance increments was extended only to those who were holding the post of Assistant Registrar and above. In view of the above, the petitioner is not entitled to the benefit, as claimed, because it was not provided to any officer below the post of Assistant Registrar.

8. For the reasons stated above, we do not find a case in favour of the petitioner so as to grant the relief prayed for by him. Accordingly, the writ petitions fail and are dismissed. There will be no order as to costs. Consequently, W.M.P.No.31373 of 2019 is closed.

(M.N.B., C.J.) (N.M., J.)
08.07.2022

Index : Yes/No
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To:

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Madras High Court
Chennai - 600 104.
2. The Principal Secretary to Government
State of Tamil Nadu
Home (Courts-V) Department
Secretariat, Chennai – 600 009.
3. The Registrar General
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THE HON'BLE CHIEF JUSTICE
AND
N.MALA,J.

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