



W.P.(MD).No.7957 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.7957 of 2020

R.Mathavan

... Petitioner

Vs.

1.State represented by its
The District Collector,
Dindigul.

2.State represented by its
The District Treasury Officer,
Dindigul.

3.State represented by its
The District Revenue Officer,
Dindigul.

4.State represented by its
The Tahsildar,
Athur Taluk,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the first respondent in the impugned order in Na.Ka.No.569/2020/F6 dated 13.05.2020 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.V.Muthumani
For Respondents : Mr.G.Suriyananth,
Additional Government Pleader.

ORDER

The petitioner herein had completed his educational academics in the stream of 10+2+2, whereby, he had obtained his Masters degree through Open University in the month of April 2000, directly after his higher secondary education. His claim for incentive increment came to be rejected by the respondents by placing reliance on G.O.Ms.No.65 Personnel and Administrative Reforms (S) Department, dated 02.07.2014, which recognizes the qualification of a Post Graduate degree in the pattern of 10+2+3+2 or 3, which is after the completion of SSLC, Higher Secondary and a Degree.

2. The learned counsel for the petitioner placed reliance on a subsequent Government Order in G.O.(Ms).No.37 Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, which orders that in cases of Government servants, who have acquired higher qualification prior to issue of this Government Order and not sanctioned with advance increments can be examined separately as per the previous orders issued, if any, by the



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Administrative Department concerned and that if such posts are specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the Administrative Department concerned. The said Government Order further holds that if no previous orders were issued by the concerned Department, then such Government servants are not eligible for sanction of any advance increments for passing higher qualification.

3. Apparently, the first respondent herein had not considered G.O.(Ms).No.37 while dealing with the claim made by the petitioner for grant of incentive increment for possessing higher qualification. When the qualification prescribed for the post of Village Administrative Officer is already met by the petitioner herein, he may be entitled for the incentive increment for possessing higher qualification in view of G.O.(Ms).No.37 Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. In this regard, it would be appropriate to direct the first respondent herein to re-consider the claim of the petitioner in the light of G.O.(Ms).No.37.

4. Accordingly, the impugned order, dated 13.05.2020, on the file of the first respondent is quashed. Consequently, the first respondent herein is called upon to re-consider the case of the petitioner herein in the light of



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G.O.(Ms).No.37 Personnel and Administrative Reforms (FR-IV) Department,
dated 10.03.2020 and pass appropriate orders in accordance with law, within a
period of twelve (12) weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands allowed accordingly. There shall be no order
as to costs.

20.07.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The District Collector,
Dindigul.
- 2.The District Treasury Officer,
Dindigul.
- 3.The District Revenue Officer,
Dindigul.
- 4.The Tahsildar,
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M.S.RAMESH, J.

Lm

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