



W.P.No.4749 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4749 of 2018
and
W.M.P.No.5866 of 2018

G.Elangovan

...Petitioner

-Vs-

1.The Principal Secretary to Government,
Animal Husbandry, Dairy and
Fisheries Department,
Fort St. George, Chennai - 600 009.

2.Director of Animal Husbandry and
Veterinary Services,
DMS Campus, Teynampet,
Chennai - 600 006.

3.The Deputy Director Personal,
Director of Animal Husbandry and
Veterinary Services,
DMS Campus, Teynampet,
Chennai - 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, calling for the records of
the first respondent in relation to the impugned order No.226/A.H 7/2017



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dated 23.11.2017 signed on 06.02.2018 and the consequential order in Na.Ka.No.69929/M1/13 dated 14.02.2018 of the second respondent, quash the same and consequently direct the respondents to continue to pay to the petitioner the advance increment for his Master Degree qualification in Veterinary Science granted to him by proceedings of the Assistant Director of Animal Husbandry Department, Tirupatur, dated 14.11.2011.

For Petitioner : Mr.P.Nethaji

For Respondents : Mr.M.Shahjahan,
Special Government Pleader

ORDER

Heard Mr.P.Nethaji, learned counsel appearing for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for the respondents.

2. The petitioner herein had joined the respondent department as a Veterinary Assistant Surgeon in the year 2005-2006. Even prior to joining the department, he had acquired the qualification of Masters Degree in Veterinary Science in the year 2004 itself. By virtue of G.O.(Ms).No.97, Personnel and Administrative Reforms Department, dated 05.07.2010, the petitioner was granted with an advance increment for possessing higher Masters Degree qualification, on 14.11.2011. By placing reliance on



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G.O.(Ms).No.154, Personnel and Administrative Reforms Department, dated 26.10.2010, the Government had ordered that by virtue of G.O.(Ms).No.825, dated 06.07.1977 being cancelled, the subsequent orders issued for two advance increments for those who possessed the Masters Degree in Business Administration from the recognized Universities was dispensed with and therefore, the sanction of two advance increments to the Junior Veterinary Assistant Surgeon/Veterinary Assistant Surgeon was ordered to be cancelled, through a letter dated 23.11.2017. Consequently, through a letter dated 14.02.2018, the cancellation order was sought to be implemented. Challenging these two letters dated 23.11.2017 and 14.02.2018, the present writ petition has been filed.

3. Today, when the matter was called, the learned counsel for the petitioner produced a copy of G.O.Ms.No.61, Animal Husbandry, Dairy and Fisheries Department, dated 26.03.2018, wherein, it is ordered that the Veterinary Surgeon, who had completed their Post Graduate Degree in M.V.Sc after 26.11.2002 on their own expenses, would be entitled for two advance incentive increments and that the increments already paid need not be recovered.



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4. In view of the subsequent Government Order, establishing the liability of the petitioner to receive the two advance incentive increments, the subsequent letters dated 23.11.2017 and 14.02.2018, holding that the petitioner is disentitled to receive the advance incentive increments, cannot be sustained.

5. In the light of the above findings, the impugned letters dated 23.11.2017 and 14.02.2018 are quashed. Consequently, there shall be a direction to the respondents to continue paying the advance increments to the petitioner herein for obtaining his Masters Degree qualification in Veterinary Science. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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To
WEB COPY

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M.S.RAMESH,J.

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