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W.P.No.9673 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.11.2023

PRONOUNCED ON : 22. 11.2023

CORAM:

THE HON'BLE Dr.JUSTICE D.NAGARJUN

W.P.No.9673 of 2015

D.Seralathan

...Petitioner

vs.

1. Government of Tamil Nadu
Represented by Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
2. The Commissioner/ Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai- 600 025.
3. The Principal,
Thiagarajar Polytechnic College,
Salem 636 005.

..Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue direction to the respondents herein to sanction two non-compounded advance increments from 01.06.2012 onwards to the Petitioner for possessing P.G. Degree qualification at entry level to the Post of Lecturer / Mechanical Engineering in the light of G.O.Ms.111, Higher Education (C2) Department, dated 25.05.2010 and disburse the arrears thereof with interest for the delayed payment



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For Petitioner : M/s.R.Apoorna
for M/s.M.Ravi

For Respondents : M/s.C.Sangamithirai,
Special Government Pleader

ORDER

The petitioner herein has filed this writ petition seeking for direction to the respondents to sanction two non-compounded advance increments from 01.06.2012 onwards to the petitioner for possessing Post Graduation Degree qualification at the entry level to the post of Lecturer /Mechanical Engineering in the light of G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010 and disburse the arrears thereof with interest for the delayed payment.

2.The brief facts of the case are as follows:

The petitioner was initially appointed as Workshop Instructor on 09.12.1991 in Thiagarajar Polytechnic College, Salem-5 through Employment Exchange Vide Order No.P.18/Local/a1/2919 dated 28.08.1999 and subsequently became eligible to be promoted as Instructor on 09.12.1993. Even though the post of Instructor was vacant,



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the name of the petitioner was not been considered for promotion for 18 years. The petitioner acquired B.E (Mechanical) Degree qualification in the year 2000 and subsequently passed M.E (Thermal)Degree in the year 2006. The petitioner has participated in selection process and was appointed as Lecturer on 01.06.2012 in the pay scale of Rs. 15600-39100 + GP Rs.6000/- Vide Pro.No.B1/F2/2012 dated 24.05.2011 at Thiagarajar Polytechnic College, Salem. According to G.O.Ms.No. 111, Higher Education (C2) Department, dated 25.05.2010, those who possess Post Graduate degree are entitled for two non compoundable advance increments at the entry level. According to petitioner he acquired Post Graduation degree and thereby he is entitled to get two non compounded advance increments at the entry level but the same has not been granted in spite of representation made by the petitioner to the respondents. Hence, the petitioner has preferred this instant Writ Petition.

3. Heard the submissions made by the counsel on either side and perused the material placed on records.

4. The petitioner seeking for grant of two non compoundable



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advance increments from 01.06.2012 on the ground that the petitioner acquired Post Graduate degree in Master of Engineering in Thermal in the year 2006 itself and he was possessing the same at the time of his appointment as a Lecturer on 01.06.2012. The petitioner has been claiming his right to get two non compoundable advance increments for acquiring higher qualification in the same subject as per G.O.Ms.No.111, Higher Education (C2) Department, dated 2505.2010 and the learned counsel for the petitioner has drawn the attention of this Court to the Appendix (II), Clause (iii) of the G.O.Ms.No.111, Higher Education (C2) Department, dated 2505.2010 and the relevant portion is extracted hereunder.

“(iii) Those possessing Post Graduate degree in a professional course such as M.Tech., in relevant branch /discipline recognized by a statutory University shall also be entitled to 2 non-compounded advance increments at the entry level. Subject to the condition that the Professional Course awarded is in the relevant discipline and is an additional qualification. If the Professional Course is prescribed as an essential qualification for the post, no incentive increment shall be given. Further, the person should not have claimed any incentive increment due to his possessing a Ph.D or M.Phil for claiming incentive for the Professional Course.”

The paragraph of Clause (iii) would go to show that the person

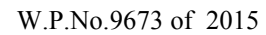


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possessing Post Graduate degree in the relevant branch/ discipline shall be entitled to two non compoundable advance increments at the entry level.

5. Learned Special Government Pleader appearing for the respondents has strongly opposed the said contention of the petitioner stating that the petitioner was selected as Lecturer only on the basis of his Post Graduation qualification and not on the basis of his Bachelor degree in Engineering, thereby having Post Graduation qualification will not entitle the petitioner to get two non compoundable advance increments.

6. In order to appreciate the submissions made by the learned counsel for the petitioner as well as learned Special Government Pleader appearing for respondents, Appendix (v) of the G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010, is required to be considered. As per Appendix (v) of the above said G.O, the qualification for the post of Lecturer/ Work Shop Superintendent is Bachelor degree in Engineering / Technology in the relevant branch with First class or



7. The learned counsel for the petitioner has submitted that the qualification for appointment as a Lecturer is different and granting two special increments for possessing Post Graduate qualification is



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different and both cannot be clubbed together.

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8. According to the learned counsel for the petitioner, even if the petitioner is selected only on the basis of his First class in the Post Graduate degree, still that cannot be an impediment for grant of two non compoundable advance increments as the grant two non compoundable advance increments is only on the ground of possessing Post Graduation qualification and thereby submitted that selection on the basis of Post Graduation qualification cannot be an impediment for grant of two non compoundable advance increments.

9. This interpretation of the learned counsel for the petitioner cannot be accepted. Because, on careful perusal of the relevant Appendix II, Clause (iii) of the G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010, it is clear that the grant of two non compoundable advance increments is subject to the condition that the Post Graduation in Professional course awarded is in the relevant discipline and is an additional qualification. The other condition is that if the professional Course i.e., Post Graduation degree is prescribed as an



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essential qualification for the post for which the petitioner is appointed, no incentive increments shall be given. In the case on hand, the petitioner was not possessing First class in Bachelor's degree in Engineering, however, he was appointed basing on the First class in Post Graduation degree in Engineering, that means in case, if Graduation alone is taken into consideration, he was not eligible to be appointed as a Lecturer. Thereby, Post Graduation in Engineering was taken as basic qualification for the appointment of the petitioner to the post of Lecturer, thereby since, the Post Graduation itself is the basic essential qualification required for appointment, same cannot be the basis for grant of two non compoundable advance increments. In case, if the petitioner has acquired further qualifications like Ph.d, then perhaps, the rule permits him to claim for two non compoundable advance increments.

10. The learned counsel for the petitioner tried to submit that though the petitioner and his colleague were similarly placed the relief is not granted to him. However, the petitioner has not given the details as to whether, his colleagues were appointed to the relevant post basing on their degree qualification or basing on the Post Graduation degree. In



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case, if they were appointed on the basis of their Graduation, since they have acquired the further qualification in same subject, then certainly, they are entitle for grant of two non compoundable advance increments. In view of the above, this Court is in agreement with the submissions made by the learned Special Government Pleader, therefore, the petitioner is not entitled for two non compoundable advance increments.

11. Accordingly, this Writ Petition is dismissed. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
Speaking/Non-speaking Order

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Dr.D.NAGARJUN, J.
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To

1. Government of Tamil Nadu
Represented by Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
2. The Commissioner/ Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai- 600 025.
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