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W.P.No.22481 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22481 of 2017

1.S.Sridharan
2.P.Jayalakshmi
3.K.Sharmila
4.S.Umadevi
5.S.Joseph Mohan
6.P.Periasami
7.N.Bhuvaneswari

... Petitioners

- Vs -

1.The Government of Tamil Nadu,
Rep. Principal Secretary,
Public Works Department,
Fort St.George,
Chennai-9.

2.The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings).
Chennai Region & Chief Engineer (GI),
PWD, Chepauk,
Chennai-5.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue Writ of Mandamus directing the respondents to grant the



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petitioners two advance increments for acquiring P.G.Degree in engineering from the date of acquiring P.G.Degree and pay the arrears therefore within a time frame as may be fixed by this Court.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

This petition is filed by the petitioners seeking direction to the respondents to grant the petitioners two advance increments for acquiring P.G.Degree in engineering from the date of acquiring P.G.Degree and pay the arrears therefore within a time frame as may be fixed by this Court.

2. According to the petitioners that except 5th petitioner Mr.S.Joseph Mohan, other petitioners are working as Assistant Engineers, Assistant Executive Engineer and Executive Engineer in Public Works Department and also obtained P.G.Degree in Engineering from 2009 to 2016. As per G.O.Ms.No.97 dated 05.07.2010, the petitioners are entitled to get two advance increments for acquiring P.G.Degree. In spite of their representations they had not been granted with the increments as per the



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WEB COPY said G.O. Further, in the judgment of this Court dated 10.09.2012 in W.P.No.2703 of 2012 to sanction two advance increments for acquiring M.E., Degree to one Murugan, Assistant Engineer, PWD and the same has been implemented. Several writ petitions were filed and granted and the 1st respondent has rejected the proposal of the 2nd respondent dated 19.03.2014 for granting two advance increments for one Singaravelu and the said letter was quashed by this Court in W.P.No.39313 of 2016 and similarly, in W.P.No.33440 of 2015. According to the petitioners, the same has to be followed in this case also by granting the petitioners two advance increments for acquiring P.G.Degree in Engineering from the date of acquiring P.G.Decree and pay the arrears.

3. According to the petitioners, the order of the 1st respondent in G.O.Ms.No.97 dated 05.07.2010 clearly states that the scheme of advance increments ordered in G.O.Ms.No.1159 P&AR Department dated 21.11.1984 will be applicable with effect from the date of issue of the G.O., i.e., on 05.07.2010 subject to the following conditions:

(i) The scheme of sanction of advance is applicable to officers up to



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and inclusive of second level officers below the Heads of Department.

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(ii) If the special qualification is prescribed as one of the requisite qualification for appointment to any post or where the scale of pay for such post is prescribed taking into account the special qualification for appointment to any post or where the scale of pay for such post is prescribed taking into account the special qualification, the scheme will not be applicable to those acquiring the special qualifications.

(iii) Where the Government have spent money on any officer by giving him study leave and allowances or have treated the study period as duty with full pay and allowances for acquiring the special qualification or where the Special Qualification other than Account Test for Subordinate Officers Part I is made essential for further promotion, he is not entitled to the benefit.

(iv) In respect of those for whom Post-Graduate qualification is made essential for further promotion, they are not entitled for the benefit.

4. The learned counsel for the petitioners would further submit that when the matter stood thus, the other persons were recommended and the 5th petitioner alone was left out for the reasons best known to the officers



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concerned. When all the other persons who have joined as petitioners were also sanctioned the said two increments, to substantiate his case, he relied on the judgment of this Court in ***Dr.V.Singaravelu Vs. Government of Tamil Nadu rep.by the Principal Secretary, Public Works Department*** in W.P.No.39313 of 2016 dated 23.11.2016 and another case in ***R.Senthil Kumar vs. Government of Tamil Nadu rep.by the Secretary, Public Works Department*** in W.P.No.33440 of 2015 dated 30.01.2017.

5. The Respondents filed counter denying all the averments in the petition and another additional counter filed by him at paragraph No.11, it is stated that all the 152 Engineers name as proposed by the 2nd respondent in its proposal dated 27.10.2020, 11.11.2020 and 19.01.2021 and as explained in paragraph No.8 of the counter, are eligible for sanctioning of advance increments for their acquiring PG/Ph.D., in Engineering. As per instructions of the 1st respondent, advance increments to all the 6 petitioners except 5th petitioner S.Joseph Mohan has already been sanctioned by the Department. With regard to 5th petitioner, he may send his representation to the Department, requesting for sanction of advance increment then



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necessary advance increment shall also be sanctioned to him. Since their representations were found to be in record, petitioners may send another representations for two advance increments to the Department and the same will be considered and sanctioned.

6. The learned counsel for the petitioners submitted that petitioners may be granted interest for the non-payment of increments.

7. According to the respondents, it is stated that there is no such proposal for granting the same.

8. In view of the above clarification, this Court is inclined to direct the petitioners to give fresh representations to the respondents requesting two advance increments and also interest for the non-payment period of increments. After receipt of the same, the respondents shall consider the same and pass appropriate orders on merits, in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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9. With the above directions, this writ petition is disposed of. No costs.

11.10.2023

ssn

To

1.The Principal Secretary,
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Public Works Department,
Fort St.George,
Chennai-9.

2.The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings).
Chennai Region & Chief Engineer (GI),
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