



WEB COPY



W.P.No.34690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34690 of 2023

1.S.Kavinraj
2.S.Elilarasi
3.K.Vijayalakshmi
4.K.Rukmony
5.J.Brindha

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Human Resources Management (FR.IV) Department,
Fort St.George, Chennai – 600 009.
- 2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Personnel and Administration Reforms Department,
Fort St.George, Chennai – 600 009.
- 3.The Director,
Tamil Nadu Government Audit Department,
No.571, Officers Building,
Veterinary Hospital Campus,
4th Floor, Anna Salai,
Nandanam, Chennai – 600 035.
- 4.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Road,
Chennai.



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5. The District Educational Officer,
South Chennai,
Saidapet, Chennai – 600 015.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 5th Respondent to pay the arrears of incentives to the Petitioners for having acquired higher qualification as per the orders dated 26.11.2019 having Ref. No. Na.Ka.No. 2203 / A3 / 2019, 15.09.2020 having Ref. No Mu. Mu. No 1037 / A3 / 2020, 18.09.2020 having Ref. No. Mu. Mu. No 5217 / A3 / 2019, 23.10.2020 having Ref. No. Mu.Mu.No. 1038 / A3 / 2020 and 12.12.2019 having Ref. No. Na.Ka.No 4666 / A2 / 2019 respectively passed by the 5th Respondent within a time frame to be fixed by this Court and consequently issue a direction to the 5th Respondent to pay the incentives regularly every month as per the orders sanctioning incentives to the petitioners for having acquired higher qualification.

For Petitioners : Ms.Nalini Chidambaram
Senior Counsel

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. The limited prayer sought for in the present Writ Petition is for a direction to the 5th Respondent to pay the arrears of incentives to the Petitioners for having acquired higher qualification and to pay the incentives regularly every month as per the orders sanctioning incentives to the petitioners for having acquired higher qualification.

3. This Court is of the view that such a claim requires to be considered by the concerned respondent and this Court may not be justified in stepping into the shoes of the respondent to consider the same. Nevertheless, if the petitioners are granted liberty to give a representation to the respondents herein, seeking a direction to the 5th Respondent to pay the arrears of incentives to the petitioners for having acquired higher qualification and to pay the incentives regularly every month as per the orders sanctioning incentives to the petitioners for having acquired higher qualification, with a consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.



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4. In the light of the above observations, the petitioners are granted liberty to give a representation to the respondents, ventilating their grievances and on receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three (03) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

. With the above direction, this Writ Petition stands disposed of.

No costs.

20.12.2023

Speaking/Non-speaking
Index:Yes/No

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M.S.RAMESH,J.

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