



W.A.No.3576 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.3576 of 2019 and
C.M.P.No.22944 of 2019

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 006.

3.The Chief Educational Officer,
Krishnagiri District, Krishnagiri.

4.The Headmaster,
Government Boys Higher Secondary School,
Velampatthy – 635 204
Krishnagiri District.

... Appellants

Vs.

K.Gowri Sankar

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 25.02.2014 in W.P.No.5538 of 2014.

For Appellants : Mr.K.V.Sajeev Kumar
Special Government Pleader

For Respondent : Mr.S.Kamadevan



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by K.KUMARESH BABU, J.)

This intra-Court appeal has been filed challenging the order of the learned Single Judge dated 25.02.2014 in W.P.No.5538 of 2014 wherein the learned Judge had directed the appellant Department to grant third incentive increment to the respondent herein.

2. It is submitted, across the Bar that, the issue that arises in the present writ appeal is no longer *res integra* and the same had already been resolved by the Hon'ble Full Bench of this Court in the matter of ***Government of Tamil Nadu and R.Subramani and others in W.A.No.3674 of 2019 etc. batch dated 29.04.2022***, wherein the Hon'ble Full Bench has held that the teachers are only entitled to two incentive increments only and they are not entitled for third incentive increment. In such view of the matter, a direction issued under the impugned order to the appellants to grant third incentive increment would be against the dictum laid down by the Hon'ble Full Bench of this Court.

3. It is pertinent to note that a Co-ordinate Bench of this Court, where one of us (K.B.J.) is a party, had an occasion to consider the same



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issue in the case of *R.Rajamanickam V. The Secretary to Government,*

School Education Department, Fort. St. George, Chennai – 9 and 3

others in W.P.No.16000 of 2015 on 10.10.2022 and followed the view

taken by the Hon'ble Full Bench.

4. In that view of the matter, the order passed by the learned Single Judge dated 25.02.2014 is set aside and accordingly, the Writ Appeal is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (K.B., J.)

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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