



WEB COPY

W.A(MD)No.480 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

**W.A(MD)No.480 of 2023
and
CMP(MD)No.4936 of 2023**

The District Educational Officer,
Thoothukudi,
Thoothukudi District.

... Appellant

-VS-

1. S. Albert

2. The Tuticorin Diocesan Association
(Registration No.1/1937038)
Rep by is Procurator and Chief Functionary,
Thoothukudi District.

3. The Manager,
R.C. Schools, Tuticorin Diocese,
Thoothukudi.

4. The Correspondent,
St. Marys Higher Secondary School,
Pothakalanvilai, Sattankulam Taluk,
Thoothukudi District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters
Patent, against the order dated 22.08.2022 made in W.P(MD)No.
8280 of 2016.



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For Appellant : Mr.D.Sadiq Raja
Special Government Pleader
For R1 : Mr.T.Pon Ramkumar

JUDGMENT

**[Judgment of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This writ appeal is directed against the impugned order dated 22.08.2022 passed by the learned Single Judge in W.P(MD)No.8280 of 2016, directing the appellant to expedite the process of settling the 1st respondent/writ petitioner's pensionary benefits as early as possible preferably within a period of three months from the date of receipt of copy of the order. The learned Single Judge in the impugned order has clearly stated that for the delay caused in disbursing the pensionary and other monetary benefits, the writ petitioner is entitled to interest at the rate of 12% from the date of its due to the date of promotion as due as claimed in the writ petition.

2. Heard both sides.

3. The writ petitioner was appointed as a Craft Teacher in the 4th respondent school in the year 1986. While he was working



W.A(MD)No.480 of 2021

as a Craft Teacher, he completed B.A., (Tamil) in the year 1992 and B.Ed., in the year 1993. As per G.O.Ms.No.42, dated 10.01.1969 pre vocational instructors are entitled for advance increments if they acquired B.T., or B.Ed., qualifications. Since the writ petitioner satisfied the eligibility criteria to receive the two incentive increments for acquiring B.Ed., degree, he claimed the same and the appellant through his proceedings in R.L.No.5349 P4/ S4, dated 08/1994, had sanctioned two incentive increments with effect from 27.08.1993. Subsequently, the writ petitioner also obtained Master Degree in Tamil, for which also, he was granted two more additional increments through the proceedings of the appellant in O.Mu.No.3978 / B3 / 99, dated 23.09.1999 with effect from 27.05.1997. The petitioner attained the age of superannuation on 31.05.2015, but he was not relieved from service and was also refused pensionary benefits. An attempt was also made to recover the monies paid by way of incentive increments for acquisition of post graduate qualification. Hence, he filed writ petition. The learned Single Judge after considering the claim of the writ petitioner, finding merits in favour of the writ petitioner, allowed the writ petition concluding that the attempt to recover the the monies paid by way of incentive increments for



acquisition of post graduate qualification is against the law declared by this court. The writ court also held that the delay in payment of retirement benefits is not reasonable. On the said conclusions the writ court allowed the writ petition directing the appellant to disburse pensionary and other monetary benefits making it clear that for the delay caused in disbursing the pensionary benefits, the writ petitioner is entitled to interest at the rate of 12% as aforesaid. We do not find any error or infirmity in the impugned order.

4. Hence, the Writ Appeal fails and it is dismissed. No costs. Connected miscellaneous petition is closed.

[T.R., A.C.J.] [R.S.M., J.]
26.04.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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To

The District Educational Officer,
Thoothukudi,
Thoothukudi District.



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T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

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JUDGMNET MADE IN
W.A(MD)No.480 of 2023
DATED : 26.04.2023