



W.P.(MD)No.13555 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.13555 of 2020

V.Chandra Pushpam

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Madurai District,
Madurai.

2.The Block Educational Officer,
T.Vadipatti,
Madurai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.842/A1/2019 dated 20.08.2020 and quash the same as illegal and unconstitutional, consequently direct the 2nd respondent to grant bonus increment from the date on which she completed 30 years of service (i.e.,) 26.07.2018, in the light of G.O.Ms.No.562, Finance (Pay Cell) Department dated 28.10.1998.



W.P.(MD)No.13555 of 2020

WEB COPY

For Petitioner : Mr.K.Balasubramanian

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This writ petition has been filed to call for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No. 842/A1/2019, dated 20.08.2020, quash the same as illegal and unconstitutional and consequently, direct the 2nd respondent to grant bonus increment from the date, on which, she completed 30 years of service (i.e.,) 26.07.2018, in the light of G.O.(Ms).No.562, Finance (Pay Cell) Department, dated 28.10.1998.

2. The case of the petitioner is that the petitioner is working as Secondary Grade Teacher in Kamarajar Middle School, which is a non-minority aided school in Sholavandan, Madurai District. In order to study B.Ed., Degree, she sought permission from the said School Committee



W.P.(MD)No.13555 of 2020

and availed leave from 11.10.2011 to 10.01.2012. On 05.01.2012, she requested for extension of leave to the School Committee upto 04.04.2012. Totally, the petitioner has availed 182 days for studying B.Ed., Degree. After completion of B.Ed., Degree, she rejoined on 09.04.2012 and requested the 2nd respondent through proper channel to regularize and approve 182 days of leave period taken for studying B.Ed., Degree. However, the same was rejected by the second respondent. Thereafter, the petitioner has submitted a detailed representation to the second respondent to sanction the incentive increment for having acquired the higher qualification of B.Ed., Degree. However, the second respondent, without any valid reason, rejected her claim by proceedings dated 29.11.2016. Challenging the same, a writ petition was filed in W.P(MD).No.2345 of 2017. Further, the petitioner has completed 30 years of service in the same post and she was awarded bonus increment vide order, dated 10.07.2019. However, the said order was cancelled unilaterally by the second respondent on the ground that without regularizing the leave period availed by the petitioner, awarding of bonus increment is not feasible. Challenging the same, the present writ



W.P.(MD)No.13555 of 2020

petition has been filed.

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner has already filed a writ petition challenging the proceedings of the 2nd respondent dated 29.11.2016, in W.P(MD).No. 2345 of 2017. This Court, on 25.08.2021, allowed the writ petition by issuing directions to the second respondent to grant incentive increment to the petitioner for having acquired B.Ed., Degree within a period of twelve weeks from the date of receipt of a copy of the order and to approve 182 days leave taken by the petitioner to study B.Ed., Degree. However, the present impugned order has been passed during the pendency of the writ petition in W.P(MD).No.2345 of 2017. Therefore, the present impugned order is liable to be quashed, as per the order passed by this Court on 24.08.2021.

4. The learned Additional Government Pleader appearing for the respondent would submit that admittedly, the present impugned order has been passed during the pendency of the said writ petition. Hence, if there



W.P.(MD)No.13555 of 2020

is no legal impediment, the petitioner's claim will be considered for grant of bonus increment.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was granted bonus increment vide proceedings of the second respondent, dated 10.07.2019. However, the said order was cancelled by the second respondent on 20.08.2020 on the ground that the leave period availed by the petitioner was not regularised. Before passing the said order, the petitioner has filed a writ petition in W.P(MD).No.2345 of 2017 for regularizing the leave period availed by the petitioner for studying B.Ed., Degree from 11.10.2011 to 04.04.2012 and to grant the incentive increment for having acquired B.Ed., Degree. This Court, on 25.08.2021, has issued directions to the second respondent to approve 182 days leave taken by the petitioner and grant incentive increment to the petitioner. Therefore, the impugned order passed by the second



W.P.(MD)No.13555 of 2020

WEB COPY

respondent in Na.Ka.No.842/A1/2019 on 20.08.2020 is set aside and the matter is remanded back to the second respondent for fresh consideration and to pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is allowed. No costs.

06.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb

To

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W.P.(MD)No.13555 of 2020

M.DHANDAPANI,J.

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W.P.(MD)No.13555 of 2020

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