



W.P.(MD).Nos.6093 and 6094 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.6093 and 6094 of 2016

W.P.(MD).No.6093 of 2016:

E.Muthian

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 006.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.No.031150A/K/E1/2014, dated 04.06.2015 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to sanction and award 3rd incentive increment to the Petitioner for the additional qualification in M.Ed while in



W.P.(MD).Nos.6093 and 6094 of 2016

service and accordingly re-fix the pension of the petitioner within the time stipulated by this Court.

W.P.(MD).No.6094 of 2016:

T.Sivalingam Nadar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 006.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Nagercoil,
Kanyakumari District.
- 5.The Head Master,
SLB Higher Secondary School,
Nagercoil – 1,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.No.031150A/K/E1/2014, dated 04.06.2015 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to sanction and award 3rd incentive



W.P.(MD).Nos.6093 and 6094 of 2016

increment to the Petitioner for the additional qualification in M.Ed while in service and accordingly re-fix the pension of the petitioner within the time stipulated by this Court.

(In both Writ Petitions):

For Petitioner : Mr.G.Karthik,
For M/s.Lajapathi Roy and Associates.

For R-1 to R-4 : Mr.V.Omprakash,
Government Advocate.

For R-5 : No Appearance.

COMMON ORDER

The Writ Petitions have been filed to quash the order dated 04.06.2015 and consequently to direct the respondents to award 3rd incentive increment for acquiring additional qualification in M.Ed. while in service and accordingly re-fix the pension of the petitioners.

2. The learned counsel appearing for the petitioners submitted that the writ petitioner in W.P.(MD)No.6094 of 2016 died in the year 2017 itself.



W.P.(MD).Nos.6093 and 6094 of 2016

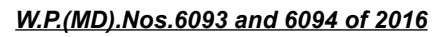
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3. The issue raised in both the Writ Petitions are that the petitioners are entitled to 3rd incentive increment. The Hon'ble Full Bench vide judgment dated 29.04.2022 in W.A.(MD)No.3674 of 2019 batch in the case of the Headmaster Vs. R. Subramani has elaborately dealt with the issue whether the Government employee is entitled to 3rd incentive increment and has held that the Government employee is entitled to only 2 sets of incentive increment in their entire service and are not entitled to 3rd incentive increment. Therefore, the prayer seeking 3rd incentive increment cannot be granted and this Court is not inclined to entertain this Writ Petition.

4. Hence, the Writ Petitions are dismissed. There shall be no order as to costs.

12.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



1. The Secretary,
The State of Tamil Nadu,
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Fort St. George,
Chennai – 600 006.
2. The Director of School Education,
College Road,
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3. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Nagercoil,
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5. The Head Master,
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W.P.(MD).Nos.6093 and 6094 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).Nos.6093 and 6094 of 2016

12.06.2023