



W.P.No.191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.191 of 2022 and
WMP.No.226 of 2022

N.Manikandan

... Petitioner

Vs.

1.The Chief Engineer,
(Agricultural Engineering),
Nandanam, Chennai 600 035
2.The Assistant Executive Engineer,
(Agricultural Engineering)
Command Area Development Programme,
Vandavasi 604 408

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the First Respondent in Lr.No.MePa2/ 33762/ 2021 dated 27.10.2021 and consequential order of the Second respondent in No.A/156/2017 dated 08.12.2021 and quash the same and direct the respondents to allow petitioner's incentive increments granted to him for acquiring the M.E (Irrigation) qualification by restoring the order passed by the Second Respondent in Second Respondent in No.A/289/2013 dated -11.2014 and further direct the respondent to re-consider his request for Voluntary Retirement afresh.



W.P.No.191 of 2022

For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 27.10.2021 and the order passed by the second respondent dated 08.12.2021 thereby ordered for revising the salary and ordered to recover a sum of Rs.4,63,495/-.

2. The petitioner is working as Assistant Engineer in the Office of the second respondent. Initially the petitioner was appointed as Assistant Soil Conservation Officer and promoted to the post of Junior Engineer. The said post was later redesignated as Assistant Engineer. Though the petitioner is due for retirement on 29.02.2024, he made request for voluntary retirement with effect from 01.11.2021 on account of his health issues and family issues. However, the petitioner was informed that there was audit objection of the year 2014 with regard to incentive increments granted to the petitioner for acquiring post graduation degree i.e. M.E., is pending. Therefore, the petitioner was



W.P.No.191 of 2022

called upon to give willingness for recovery of the said amount to consider his request for voluntary retirement. As such, the first respondent was requested to ratify the order.

3. On perusal of the records revealed that the first respondent permitted the petitioner to do his post graduation. In the year 2014, after completion of his Master of Engineering degree, the petitioner made request for incentive increments for acquiring his post graduation. The second respondent considered the same since he is pay drawing officer for the petitioner and granted incentives for acquiring post graduation degree to the petitioner. However, audit objection was not informed to the petitioner. Only at the time of his request for voluntary retirement, he was informed about the audit objection. Therefore, the first respondent was requested to issue ratification order to ratify the audit objection of the year 2014-15. Though the said request was recommended to the first respondent, the first respondent denied the request and passed order on 27.10.2021, pursuant to which the petitioner's salary was revised and ordered to recover a sum of Rs.4,63,495/- by the second respondent.



W.P.No.191 of 2022

WEB COPY

4. On perusal of the audit objection, revealed that instead of the second respondent, the first respondent ought to have granted incentive increment for acquiring post graduation degree. Therefore, it is only technical objection and in fact similar issues were ratified by the first respondent even for seeking permission to do post graduation. Initially the second respondent granted permission to do PG and subsequently it was ratified by the first respondent due to audit objection. In the case on hand, the request of ratification was denied by the first respondent, that too without stating any reason.

5. On perusal of the order dated 27.10.2021, revealed that the first respondent simply rejected the request for ratification. The second respondent is being pay drawing officer of the petitioner, he granted incentive increment for acquiring post graduation degree. Therefore, there is nothing illegal in sanctioning incentive increments to the petitioner which he is entitled for. That apart, the audit objection was of the year 2014-2015 and no notice was served on the petitioner in this regard. All of sudden, when the petitioner made request for his voluntary



W.P.No.191 of 2022

retirement due to his family circumstances, it was informed to the petitioner about the audit objection and passed order to recover the incentive increments which was granted to the petitioner.

6. In view of the above, the impugned orders cannot be sustained and the same are liable to be quashed. Accordingly, the impugned orders dated 27.10.2021 and 08.12.2021 passed by the first and second respondents are quashed. The first respondent is directed to issue a fresh order to ratify the mistake committed by the second respondent within a period of two weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

02.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok



WEB COPY



W.P.No.191 of 2022

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Chief Engineer,
(Agricultural Engineering),
Nandanam, Chennai 600 035
- 2.The Assistant Executive Engineer,
(Agricultural Engineering)
Command Area Development Programme,
Vandavasi 604 408

W.P.No.191 of 2022

02.07.2024