



W.P.No.13042 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.13042 of 2015

and

M.P.No.1 of 2015

G.S.Kumar

... Petitioner

Vs.

1.The Government of Tamilnadu
rep. by its Secretary to Government,
Public Works Department,
Fort St. George, Chennai-9

2.The Engineer-in-Chief, W.R.O. &
Chief Engineer (General) P.W.D.
Public Works Department,
Chepauk, Chennai-5

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records relating to 1st respondents proceedings made in

Letter No.21629/B2/2014-2 dated 11.11.2014 and the consequential



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order of the 2nd respondent made in proceedings NO.S3(1)/47961/2014 dated 26.11.014 to quash the same and to consequently direct the respondents to grant of two advance increments to the petitioner with effect from 13.06.2010 and to consequently revise and refix the basic pay with all consequential monetary benefits forthwith thereto.

For Petitioner : M/s.L.Chandrakumar

For Respondents :
(for R1 and R.2) : M/s.V.Jeevagiridharan, AGP

ORDER

The above Writ petition is filed for certiorarified mandamus to quash the order of the 1st respondent dated 11.11.2014 and the consequential order of the 2nd respondent dated 26.11.2014 and to direct the respondents to grant the petitioner two advance increments with effect from 13.06.2010 and consequently revise and refix the basic pay with all the consequential monetary benefits.



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2. It is the case of the petitioner that as per the Government Order G.O.Ms.No..825/P&A.R.(FR-I) Department dated 06.07.1997, the Government Servants who had passed the M.B.A. Degree were eligible for the grant of two advance increments if the Head of the Department concerned certifies that the M.B.A. Degree possessed by the individual is useful in administrative work.

3. The petitioner would submit that he had studied the M.B.A. Degree course in the Madras University during the years 2008-2010 and had passed the M.B.A. Degree course in June 2010. The result of the same had published on 08.09.2010. The date of last sitting of M.B.A. Degree examination was 12.06.2010. Therefore, as per the Sub-Rule (2) of Rule 26(a) of the Fundamental Rules, the petitioner is entitled to get two advance increments with effect from 13.06.2010.

4. The petitioner therefore made a representation on 21.08.2014 to the 1st respondent through the 2nd respondent seeking two advance



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increments in view of his possessing the M.B.A. Degree with effect from 13.06.2010. The necessary certification from the Head of the Department was also enclosed. However, the 1st respondent had rejected the request relying upon the G.O.Ms.No.154 Personnel and Administrative Reforms Department dated 26.10.2010 in and by which the scheme of granting two advance increments to the Government Servants possessing M.B.A. Degree was dispensed with.

5. The petitioner would submit that G.O.Ms.No.154 is not applicable to his case. That apart, a similarly placed person working in the Pubic Works Department had got the benefit pursuant to orders of this Court dated 23.07.2013 in W.P.No.18674 of 2011. The petitioner would submit that the respondents have failed to appreciate that the provisions of G.O.Ms.No.154 would apply prospectively and would not apply to the petitioner's case. Therefore, he had come forward with the above writ petition.

6. Heard the learned counsels on either side.



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7. G.O.Ms.No..825/P&A.R.(FR-I) Department dated 06.07.1997 provides that Government Servants working in Departments where Management qualification could be utilized and who held a Post-Graduate Degree of Master of Management Science from recognized institutions should be given two advance increments. G.O.Ms.No.154 which came into effect on 26.10.2010 dispensed with the scheme of granting two advance increments to the Government Servants possessing M.B.A. Degree. The above Government Order was the subject matter of W.P.No.18674 of 2011 which was a Writ Petition filed by an employee of the Public Works Department who possessed the M.B.A. Degree and who had sought for two advance increments. This Court by an order dated 23.07.2013 had allowed the Writ Petition and directed the respondents therein to grant two advance increments to the petitioner therein.

8. The petitioner herein had completed his M.B.A. Degree on 12.06.2010. G.O.Ms.154 is dated 26.10.2010 and the said



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Government Order clearly provides that the scheme of granting two advance increments for possession of Post-Graduate Degree in MBA is dispensed **with effect from the date of the issue of the order**. The petitioner has obtained his decree even prior to the issue of the said Government Order. Therefore, this Government Order will not apply to the case of the petitioner.

9. Therefore, the order passed in W.P.No.18674 of 2011 would squarely apply to the case of the petitioner herein and hence the Writ Petition is allowed as prayed for. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.07.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

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