



WA No.2049 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.2049 of 2022

P.Subramaniam : Appellant

versus

1.The District Educational Officer
Gummidipoondi Taluk, Tiruvallur District,
Chennai 601 202.

2.The Head Master
Government Girls High School, Padirivedu -
Madnapakkam, Gummidipoondi Taluk,
Tiruvallur District 601 202. : Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.33830 of 2014 dated 20.08.2018.



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For the Appellant :: Ms.S.Suneetha
For the Respondents :: Mr.J.C.Durai Raj,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal is filed against the order of the learned Single Judge in WP No.33830 of 2014 dated 20.08.2018.

2.Brief facts of the case:

2.1. The appellant herein was originally appointed to the post of Secondary Grade Teacher vide proceedings dated 02.08.1997. He was sanctioned two incentive increments for completion of higher qualification of B.Sc., B.Ed., and M.Sc. Degree. He also completed M.Phil., Degree in the year 2008 and subsequently, he was promoted to the post of B.T.Assistant. On completion of his M.Phil., Degree, the appellant made a representation to the respondents for sanctioning third incentive increment for acquiring higher qualification of M.Phil Degree in the cadre of B.T.Assistant. Since no orders were passed, the appellant filed writ petition in WP No.33830 of



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2014 seeking a direction to the respondents to grant him third incentive increment from the date of acquisition of M.Phil Degree. The Writ Court, by order dated 20.08.2018 dismissed the writ petition with the following observations:

'In view of the discussions made in the aforementioned paragraphs, the writ petitioner is not entitled for any such relief in view of the fact that already he had received two incentive increments for possessing higher qualification and further, the present writ petition was filed after a lapse of six years from the date of possessing the M.Phil., degree. Thus, the writ petition is devoid of merits and stands dismissed.'

2.2. Challenging the said order, the appellant has preferred the present intra court appeal.

3. The short point involved in the present writ appeal is whether the appellant is entitled for third incentive increment or not.

4. Learned counsel for the appellant submits that the appellant is entitled for the third incentive increment for acquiring higher qualification of



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M.Phil Degree. Hence, he seeks to allow the writ appeal.

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5. Learned Additional Government Pleader appearing for the respondent Department submits that the issue involved in the present writ appeal is squarely covered by a decision of a Full Bench of this Court in writ appeal in WA No.1664 of 2016 dated 29.06.2018, wherein it is held that a teacher would be entitled to only two increments. Following the aforesaid judgment, a Division Bench of this Court, (in which one of us (K.B., J.) is a member of the judgment) in WA No.3603 of 2019 dated 29.08.2023, had allowed the appeal filed by the Department and set aside the order of the learned Single Judge, granting relief to the employee therein. Hence, the appellant herein is also not entitled for the third incentive increment. The relevant portion of the order dated 29.08.2023 made in WA No.3603 of 2019 is extracted hereunder:

'3.Admittedly, in this case the respondent herein has already been granted two incentive increments for possessing higher qualification viz., B.Lit. B.Ed. and M.A. Degree. Even in the affidavit filed in support of the writ petition, he has admittedly sought for the third incentive increment for possessing M.Phil degree.



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4. In view of the admitted fact that the respondent had only sought for third incentive increment, which he is not entitled, in view of the Full Bench Judgment of this Court dated 29.04.2022 made in WA No.3674 of 2022 etc. batch, the order passed by the learned Single Judge would have to be necessarily set aside.'

6. Heard the counsel for the parties.

7. We are of the view that the decision of a Full Bench of this Court in WA No.1664 of 2016 dated 29.06.2018, followed by the decision rendered by a Division Bench of this Court in WA No.3603 of 2019 dated 29.08.2023 squarely applies to the facts of the case on hand. Hence, the appellant is not entitled for the third incentive increment. There is no merit in the writ appeal. Consequently, the writ appeal stands dismissed. There shall be no order as to costs.

[D.K.K., J.] [K.B., J.]
04.06.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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K.KUMARESH BABU, J.

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