



W.P.No.2414 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM:

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

W.P.No.2414 of 2024 and
WMP.No.2618 of 2024

- 1.M.GUNASEKARAN
- 2.S.Priya
- 3.A.Priya
- 4.K.Saravanan
- 5.C.Matheeswaran
- 6.A.Auxilia Agnus Leema
- 7.M.Jayanthi
- 8.P.Suyambulingam
- 9.P.Kala
- 10.S.Guna jothi
- 11.S.P.Jayanthi
- 12.J.Vanitha
- 13.A.Suganya
- 14.P.Janaki
- 15.N.Tamilselvi
- 16.M.Devaki
- 17.P.Nirmala
- 18.V.Thangaraj
- 19.R.Shenbagavalli
- 20.A.N.Perumal
- 21.S.Karunakaran
- 22.R.Sarala
- 23.P.Karunakaran
- 24.S.Jesudoss
- 25.S.Anbuselvam



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- 26.B.Piramila
27.R.Ambika
28.V.Kalimuthu
29.M.Manimekalai
30.M.Senthil Kumar
31.N.Kala
32.K.Vijila
33.S.Vijaya Nirmala
34.P.Princy
35.D.Prema
36.M.Sathya
37.M.Devi
38.P.Manimekalai
39.V.Malliga
40.V.Amuthachitra
41.R.Pugazhmathi
42.P.Amsaveni
43.J.Kalaierasi
44.T.Ashok Babu
45.A.Sivakamasundari
46.K.Premalatha
47.R.Rejin Nesa latha
48.G.Vasuki
49.A.Yasodha
50.B.Shivamalini
51.P.Manimekalai
52.K.Muthulakshmi
53.A.Esther Jeba
54.S.Durgadevi
55.M.Jothilakshmi
56.E.Kalaivani
57.R.Anusiya
58.P.Santhi
59.S.Balamurali
60.S.Suganthi
61.G.Vimala



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- 62.P.Jeyanthi
- 63.P.Gomathi
- 64.P.Maheswari
- 65.S.Lakshmi
- 66.T.Shanmugavalli
- 67.K.Karpakavalli
- 68.G.Mahalakshmy
- 69.V.S.Bindhu
- 70.N.Anitha
- 71.P.Kaleeswari
- 72.S.Sindhiya
- 73.S.Thamaraikannan
- 74.N.Thankamani
- 75.J.Gnanasoundari
- 76.K.Ajithakumari
- 77.A.Sobeya
- 78.T.K.Bindhu
- 79.Nadhira Isaq
- 80.S.Sreekala
- 81.P.S.Rajeesh
- 82.N.Jiji
- 83.S.Priya
- 84.S.Bindhu
- 85.C.Jayalakshmi
- 86.P.Govindaraj
- 87.R.Chitra
- 88.S.P.Vijayalakshmi
- 89.E.Victoria
- 90.A.Leena
- 91.I.John Bharathi Rajan
- 92.A.Jeyamary
- 93.V.Sanal Kumar
- 94.J.Bhavani
- 95.V.Deepu
- 96.A.Gelina
- 97.A.S.Shajitha Begam



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- 98.R.Nalini
99.M.Catherine Bernadette
100.G.Regina
101.P.Mary Shanthi Emilda
102.A.Pincof Taras
103.S.Percial
104.A.Grace
105.V.Rangaraj
106.M.Dhanasheela
107.D.Hari Utham Singh
108.N.Anbalagan
109.B.Sheik Jakir Hussain
110.P.Joseph Anthony
111.J.Xavier Arockia Doss
112.A.Jessy Daisy Rani
113.D.Fathima
114.V.Rajeshkumar
115.K.Rosario Joseph Antony
116.P.Kuppammal
117.V.Karthik
118.M.Arun Rama Krishnan
119.K.Mothilal
120.N.Senthilkumar
121.A.Divya Jenifer
122.K.Renga Samy
123.M.Sakthi Priya
124.S.Shanthi
125.K.Nagalakshmi
126.T.Susila
127.N.Gowri
128.A.Athuvin Vinnarasi
129.M.Vijayalakshmi
130.C.M.Anujaya
131.P.Suseela
132.K.Alamelu Mangai
133.K.Tamil Selvi



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- 134.C.Mubarak
135.A.Behulah
136.C.Isabella Brigeta
137.J.Jansi Rani
138.M.Vijayalakshmi
139.J.Leedya Sunitha
140.K.Dhanalakshmi
141.S.Sangeetha
142.R.Uma Venkateswari
143.R.Sudha Sundari
144.V.K.Srinivasan
145.S.Srinivasan S/o.Soundarara
146.S.Nirmalarani
147.Y.Amalia Githa Rani D/o.Yag
148.P.Nagajothi
149.R. Ruby Stella
150.M.Malarvizhi D/o.Manickam
151.M.Selvi
152.M.Revathi
153.V.Rose Mary
154.C.Nithya
155.A.Shaila Rahman
156.P.Kalaiselvi
157.S.Selvi
158.S.Ramesh
159.B.Kareem
160.S.Rajamani
161.C.Santhi
162.N.Sasikala
163.K.Gejalakshmi
164.G.Vasudevan
165.G.Suresh
166.K.Rajakumari
167.A.Varadarajan
168.R.Manikandan
169.S.Sivakumar



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- 170.P.Saroja
171.G.Renu
172.N.Manivannan
173.S.Sundari
174.K.Sumathi
175.S.Arunprasath
176.A.Jansirani
177.J.Malarvizhi
178.P.SathiaSutha
179.A.P.Thamarai Selvi
180.K.Karkuzhali
181.N.Suresh
182.N.Natrajan
183.S.Arumugam
184.K.Dhanasekaran
185.P.Soundari
186.R.Rajeeswari
187.A.Kalaiselvi
188.K.Jammimal
189.R.Paranthaman
190.K.Nagendiran
191.K.Elumalai
192.B.Megala
193.B.Thilagavathi
194.P.Deepika
195.N.Gowri
196.L.Karpagam
197.G.Kousalya
198.B.Sudarkodi
199.N.Ganga
200.S.Kalaiselvi
201.V.C.Sekar
202.B.Murugan
203.A.Manonmani
204.E.Karpagam
205.D.Sasirekha



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206.N.Rukkumani
207.E.Shanthini Devi
208.R.Revathi
209.E.Renugadevi
210.L.Mageshwari
211.P.Elumalai
212.R.Amaresan
213.P.Murugan
214.K.Ulaganathan
215.V.Indira Gandhi
216.S.Bagyalakshmi
217.R.Lalitha Kumari
218.K.Saraswathi
219.M.Annadurai
220.K.Prema
221.P.Jayachandran
222.G.Megala
223.K.Shanbagavalli
224.P.Mullai Vadivu

... Petitioners

Vs

- 1.State of Tamil Nadu
Represented by its Chief Secretary to Government,
Human Resources Management (FR-IV) Department,
Previously known as Personnel and Administrative Reforms
FR-IV) Department,
Fort St.George,
Chennai-9
- 2.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of School Education,
Fort.St.George, Chennai -9.



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3.The Director of Elementary Education,
DPI Campus,
Chennai -6

.... [RESPONDENTS]

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus call for the records pertaining to the Impugned Government Order in G.O.Ms.No.37 Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 in so far as the Clause 6(vi) is concerned and the Consequential Impugned Order in G.O.Ms.No.95 Human Resources Management (FR-IV) Department dated 26.10.2023 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction directing the Respondents to grant incentive increment to the Petitioners for acquiring higher qualification of B.Ed and PG Degrees and revise the scale of pay along with arrears and other monetary benefits within the time period stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy
for Mr.K.Thilageswaran

For Respondents : Mrs.S.Mythereya Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the Government Order in G.O.Ms.No.37 Personnel and Administrative



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Reforms (FR-IV) Department dated 10.03.2020 in so far as the Clause 6(vi) and the consequential order in G.O.Ms.No.95 Human Resources Management (FR-IV) Department dated 26.10.2023.

2. The case of the petitioners is that they are working as Secondary Grade Teachers, B.T.Assistants, Primary School Headmasters, Middle School Headmasters in the Government Schools (Panchayat Union Primary and Panchayat Union Middle Schools) coming under the 3rd Respondent Elementary Education Department. They have completed the higher qualifications such as B.Ed. and other Post Graduation Degrees. However, they have not been granted incentive increments. Originally, the State of Tamil Nadu issued the Government Order in G.O.Ms.No.42 Education Department dated 10.01.1969, by which a decision was taken to grant incentive increment to the teachers for acquiring higher qualifications. Thereafter it was clarified by the Government vide G.O.Ms.No.1023 Education, Science and Technology Department dated 09.12.1993 that the School Teachers are entitled for maximum of two sets of incentive increments for acquiring higher



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qualification. Hence, in view those Government Orders, the petitioners are entitled for grant of two set of incentive increments.

2.1 The further case of the petitioners is that on pointing out the Clause No.6(VI) of the Impugned Government Order in G.O.Ms.No.37 dated 10.03.2020, their request seeking grant of incentive for acquiring higher qualification was kept under cold storage stating that necessary permission has been sought for from the 1st Respondent. Though the Respondent No.1 has issued a clarification vide G.O.Ms.No.116 dated 15.10.2020 to the Government Order in G.O.Ms.No.37 dated 10.03.2020 stating that those who have completed the higher qualification before 10.03.2020 are entitled for incentive increment, the Respondent No.3 has not granted the incentive increment in our favour. Now, the Respondent No.1 has issued the consequential impugned Government Order in G.O.Ms.No.95 dated 26.10.2023, in which it has been decided to grant one lump sum of Rs.20,000/- to all those employees whose incentive increment request is pending consideration in uniformity with the employees who acquire higher qualification after 10.03.2020. All



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similarly placed teachers who have acquired the higher qualification has been granted incentive increment and denial of incentive increment to them alone is nothing but discrimination.

3. Heard, the learned counsel appearing on either side.

4. In this regard, the Government had already passed G.O. (Ms) No. 37, Personnel and Administrative Reforms (FR-IV) department, dated 10.03.2020, it has clearly been mentioned as follows:-

"The cases of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance department. If no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degree acquired."



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5. Certain clarification have been issued in G.O.(Ms) No.116, P&AR (FRIV) Dept., dated 15.10.2020 i.e., the cases of Government Servants who have acquired higher qualification prior to the date of issue of G.O. (Ms) No. 37, P&AR Dept., dated 10.03.2020 and appropriate orders to be issued before 31.03.2021. Based on the orders issued in G.O. (Ms) No.116, P&AR (FRIV) Dept., dated 15.10.2020, the cut off date for granting advance increment who have acquired higher qualification prior to 10.03.2020 has been extended from 10.03.2020 to 31.03.2021. Further, on exemption basis, all the pending claims have been allowed until the orders issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023.

6. Further, as a policy measure for welfare of Government Servants a new policy has been adopted on the analogy of Government of India and orders have been issued in G.O.Ms.No.120, Human Resources Management (FR-IV) Department, dated 01.11.2021, for granting incentive in the form of one-time lumpsum amount to the State Government Employees for having acquired additional qualification after 10.03.2020 as follows:-



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<i>Sl.No.</i>	<i>Higher Qualification</i>	<i>Amount</i>
1.	Ph.D	25,000/-
2.	PG Degree or equivalent	20,000/-
3.	Degree/Diploma	10,000/-

7. Further, substantial number of claims are pending from candidates with higher educational qualifications. Hence, to expeditiously process and bring clarity to the scheme of granting incentive, in partial modification of the orders issued in GO (Ms)No. 116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and G.O. (Ms)No. 120, Human Resources Management (FR-IV) Department, dated 01.11.2021 and clarifications issued in Letter No.4470/FR-IV/2022-1, Human Resources Management (FR-IV) Department, dated 18.02.2022, the cut-off date for sanction of advance increments for having acquired higher educational qualifications ended and the new scheme of sanction of lumpsum amount is ordered to take effect from 10.03.2020.

8. Thus, the clarification issued in G.O. (Ms)No.116, Personnel and Administrative Reforms (FR-IV) Department, dated



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15.10.2020 and Letter No.4470/FR-IV/2022-1, Human Resources Management (FR-IV) Department, dated 18.02.2022 are harmonized to ensure that, all pending applications as on 10.03.2020 and claims made subsequently for sanction of benefits for having acquired higher educational qualifications shall be disposed as per this new scheme of granting lumpsum incentives only and not the earlier scheme of granting increments in salary. This principle would ensure expeditious disposal of all pending claims, and also maintain parity and equal treatment between the claims pending as on date and for the persons acquiring higher educational qualifications in future also. Even though many Government servants have acquired their higher educational qualification prior to 10.03.2020, as per the orders issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023, they are not eligible for sanction of advance increment for acquiring higher qualification since by the orders issued in the above, the lumpsum amount shall be granted only for those who have acquired higher qualification and not sanctioned with advance increment till date.



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9. Now, as per the above Government Orders, those who had completed additional qualification are entitled to have only lumpsum incentive. Therefore, the request of the petitioners cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

10. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.02.2024
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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Chief Secretary to Government,
State of Tamil Nadu,
Human Resources Management (FR-IV) Department,
Previously known as Personnel and Administrative Reforms
FR-IV) Department,
Fort St.George,
Chennai-9
- 2.Principal Secretary to the Government,
State of Tamil Nadu,
Department of School Education,
Fort.St.George, Chennai -9.
- 3.The Director of Elementary Education,
DPI Campus,
Chennai -6

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