



W.P.No.2717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM:

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

W.P.No.2717 of 2024

R.Arulmozhi

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
represented by its Secretary, School Education Department,
Fort St George, Chennai – 600 009.
2. The Joint Director of School Education
(Higher Secondary),
D.P.I.Complex, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Cuddalore District,
Cuddalore – 607 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to sanction one incentive increment for the petitioner for passing M.Phil Degree passed in November 1998 in terms of various Government Orders passed by the first respondent.



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For Petitioner : Mr.P.Ebenezer Paul
For Respondents : Mr.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents 1 to 3 to sanction one incentive increment for the petitioner for passing M.Phil Degree passed in November 1998 in terms of various Government Orders passed by the first respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as P.G.Assistant (Maths) in Government Higher Secondary School, Takkolam, on 21.02.1989, on compassionate ground, due to the demise of his father on 20.07.1987. The petitioner, after completion of 29 years of service, retired from service on 31.07.2018. However, his appointment was not regularized in respect of repeated request. He was also not considered for any promotion during his service. Only after his retirement, the petitioner's



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service was regularized by an order in G.O. (2D).No.13 School Education P.Ka 2(2) Department dated 10.06.2020 with effect from 21.02.1989 in terms of the Tamil Nadu Government Service (Conditions of Service) Rules 2016. While he was in service, he had obtained higher qualification in M.Phil and claimed incentive increment for his higher qualification. Therefore, the petitioner submitted several representations after regularization of his service. Now, the Government had passed an order in G.O.(Ms).No.37 Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020.

4. It is relevant to extract Paragraph 6(6) in G.O.(Ms).No.37 Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 dated 10.03.2020 as follows:-

“ 6 (vi). 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 not previous orders were issued by any of the department



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concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degree acquired.”

5. As per the said Government Order, the scheme of sanction of advance increment for acquiring higher qualification in all departments and all orders issued by all departments for sanction of advance increment for possessing higher qualification as a whole, be cancelled/dispensed with immediate effect. Further, 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.

6. Subsequently, G.O.(Ms).No.120, Human Resources Management (FR-IV) Department dated 01.11.2021 was issued, thereby fixed cut of date as 10.03.2020 for claiming incentive increment. Thereafter, the Government passed G.O.(Ms).No.95 Human Resources Management (FR-IV) Department dated 26.10.2023.



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7. It is relevant to extract Paragraph 7 of G.O.(Ms).No.95 Human Resources Management (FR-IV) Department dated 26.10.2023 as follows:-

“ 7. Now, it has come to the notice of the Government that 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. Thus, the clarification issued in G.O. (Ms)No.116, Personnel and Administrative Reforms (FR-IV) Department, dated 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.”



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8. Therefore, the petitioner is not entitled for incentive increment, whereas the petitioner is entitled for one time lumpsum amount for his additional qualification viz., for Ph.D, a sum of Rs.25,000/-, PG Degree or equivalent Rs.20,000/- and for Degree/Diploma Rs.10,000/- as incentive.

9. Therefore, the respondents are directed to consider the claim of the petitioner for one time lumpsum incentive for his higher qualification viz., M.Phil and disburse the same, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

08.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

1. The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St George, Chennai – 600 009.
2. The Joint Director of School Education
(Higher Secondary),
D.P.I.Complex, College Road,
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G.K.ILANTHIRAIYAN. J.

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