



WEB COPY



W.P.No.26517 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.26517 of 2011

M.Sugumar

...Petitioner

Vs.

1.The Director of Seed Certification
and Organic Certification,
1424 – A Thadakam Salai,
Coimbatore – 13.

2.The Joint Director of Seed Inspection,
Villupuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Lt.No.A3/35552/2010 dated 19.03.2011 and quash the same and direct the respondents to grant two advance increments w.e.f. November 2006 and pay all consequential benefits arising thereof till date.

For Petitioner : Mr.K.Rajkumar

For R1 & R2 : Mr.D.Gopal
Government Advocate



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ORDER

This Writ Petition is filed to call for the records pertaining to the impugned order passed by the first respondent in Lt.No.A3/35552/2010, dated 19.03.2011 and quash the same and direct the respondents to grant two advance increments with effect from November 2006 and pay all consequential benefits arising thereof till date.

2.The case of the petitioner is that petitioner was appointed as Agricultural Officer on 10.12.1982 in the office of the Assistant Director of Agriculture (Oil Seeds), Cheyyar, Tiruvannamalai. After obtaining prior permission, petitioner joined MBA Degree course in March 2000 and successfully completed during November 2006. Petitioner gave a representation to the second respondent on 06.09.2010 for granting of advance increment in terms of G.O.M.S.No.825 P & AR (FR.I) Dept. dated 06.07.1977 and the subsequent Government Orders in G.O.M.S.No.1159 P & AR Dept. dated 21.11.1984 and G.O.M.S.No.97 P & AR Dept. dated 05.07.2010. The first respondent by his impugned letter No.A3/35553/2010, dated 19.03.2011, rejected the claim for grant of advance increments by citing G.O.M.S.No.154 P & AR Dept. dated 26.10.2010. One Mr.G.Damodaran, Mr.Kennedy Jebakumar, Mr.Saravanan, Mr.Sankar, Mr.R.M.Ramasamy and Mr.H.Rajendran



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had been sanctioned advance increments. Petitioner is wrongfully denied and therefore this petition.

3.In reply, the learned counsel for the respondents submitted that though petitioner had completed MBA in November 2006, he made application for advance increments on 06.09.2010. The Government by G.O.M.S.No.154 P & AR Dept. dated 26.10.2010, dispensed with the system of granting advance increments from the date of issuance of the Government Order with effect from 28.10.2010. That was the reason why the petitioner's claim was rejected.

4.In reply, the learned counsel for the petitioner submitted that in a similar circumstances, this Court in W.P.No.5755 of 2019 ordered granting of advance increments to the petitioner therein.

5.Considered the rival submissions and perused the records.

6.It is not in dispute that by virtue of G.O.M.S.No.825 P & AR (FR.I) Dept. dated 06.07.1977, advance increments had been given for the persons working under the Government for acquiring higher education qualification. From time to time, certain alterations had been made in granting of advance



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increments. G.O.M.S.No.1159 P & AR Dept. dated 21.11.1984 and

G.O.M.S.No.97 P & AR Dept. dated 05.07.2010 are illustrations as to how the

Government had altered the conditions which are required for granting of advance increments. No doubt that the Government issued G.O.M.S.No.154 P & AR Dept. dated 26.10.2010, dispensing with the system of granting advance increments for possessing MBA with effect from the date of issuance of the Government Order i.e., from 28.10.2010. In a similar case, this Court in W.P.No.5755 of 2019 finding that the petitioner therein had completed MBA in June 2007 and submitted his representation for granting of advance increments observed as follows:

5. There is substantial force in the said submissions made by Learned Senior Counsel appearing for the Petitioner, which deserve acceptance. As already noticed in the earlier orders passed by the Court, persons like the Petitioner who had already acquired M.B.A. degree and had made representation for granting the advance benefits in terms of G.O. Ms. No. 825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977 cannot be denied of its benefits by citing G.O. (Ms) No. 154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010 which has withdrawn those benefits with prospective effect



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from that date. In that view of the matter, the impugned order in Letter No. 26417/T&A-1/ 2019 dated 07.09.2017 passed by the Secretary to Government, Finance (T&A-I) Department, which cannot be sustained, is quashed and the Respondents shall grant two advance increments from the date of acquiring higher degree by the Petitioner as sought in his representation dated 12.12.2007 along with a working-sheet showing the calculation for the same and file report of compliance by 31.07.2022 before the Registrar (Judicial) of this Court in that regard.

7.Since G.O. (Ms) No. 154, Personnel and Administrative Reform (FR-IV) Department, dated 26.10.2010, was issued with an intention to operate prospectively, it was decided to extend the benefit of advance increments to the petitioner therein for the reason that he had acquired MBA in June 2007 and submitted his representation on 12.12.2007. Even in the case before hand, petitioner completed MBA Degree in November 2007 and submitted his representation for grant of advance increments on 06.09.2010, before passing of the Government Order in G.O. (Ms) No. 154, Personnel and Administrative Reform (FR-IV) Department, dated 26.10.2010. The same principle applies to this case also. When the petitioner had completed his MBA Degree in 2007 and submitted his representation on 06.09.2010, prior to the issuance of G.O. (Ms)



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No. 154, Personnel and Administrative Reform (FR-IV) Department, dated 26.10.2010, this Court is of the view that the petitioner herein is entitled for grant of advance increments subject to satisfying the conditions of G.O.M.S.No.825 P & AR (FR.I) Dept. dated 06.07.1977, G.O.M.S.No.1159 P & AR Dept. dated 21.11.1984 and G.O.M.S.No.97 P & AR Dept. dated 05.07.2010.

8. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition, if any, is closed. No costs.

27.03.2024

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

To

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and Organic Certification,
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Coimbatore – 13.

2. The Joint Director of Seed Inspection,
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G.CHANDRASEKHARAN, J.

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