



W.P.No.3463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

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

W.P.No.3463 of 2024 and
WMP.Nos.3719 & 3720 of 2024

- 1 S.DURGA
- 2 M.KALAIVANI
- 3 C.MAHESWARI
- 4 V.MANIKANDAN
- 5 J.MANIKANNAN
- 6 S.MATHAVI
- 7 A.MUTHUSAMY
- 8 S.PALANIAPPAN
- 9 R.PRABAAVATHI
- 10 E.RADHA
- 11 T.RAJA
- 12 P.REVATHI
- 13 K.SARANYA
- 14 S SHAHITHA BANU
- 15 R.THANGAMANI
- 16 V.UMA MAHESWARI
- 17 T.VENNILA
- 18 K.VIJAYALAKSHMI
- 19 K.A.VIJAYANANDHINI
- 20 K.SAVITHA
- 21 P.REVATHI
- 22 M.SELVAKUMAR
- 23 S.A.SELVARASU
- 24 K.SHANMUGAPRIYA
- 25 A.SHANMUGASUNDARI



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26 R.S.SHANTHI
27 S.SIVARANI
28 G.SRIDAR
29 L.SUDHA
30 T.R.SUDHA
31 A.SUMATHI
32 V.TAMILSELVI
33 THANGAVEL
34 S.THENMOZHI
35 V.THIYAGARAJAN
36 R.UMAMAHESWARI
37 K.VAIDEHI
38 T.VAITHEKI
39 S.VANITHA
40 P.VANITHARAJ
41 K VASANTHI
42 S.VIMAL PREMKUMAR
43 S. VISHWANATHAN
44 M.YASODHA
45 A.YESODHA
46 K.LOGANAYAKI
47 K.UMARANI
48 C.RENUKA
49 R.KARUPPANASAMY
50 P.LINDA

....Petitioners

Versus

- 1.The State of Tamilnadu,
Rep. by its Chief Secretary to Government,
Human Resources Management(FR.IV) Department,
Fort St.George, Chennai 600 009
- 2.The State of Tamilnadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai 600 009
- 3.The Director,



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Tamilnadu Government Audit Department,
No.571, Officers Building,
Veterinary Hospital Campus,
4th Floor, Anna Salai,
Nandanam, Chennai 600 035
4.The Joint Director(Personnel),
School Education Department,
DPI Complex, College Road,
Chennai 600 006

Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 1st Respondent in G.O.Ms.No. 95 Human Resources Management (FR-IV) Department dated 26.10.2023 and quash the same in so far as the said government order has in paras 7 and 8 made an unreasonable classification violative of Article 14 of the Constitution between claims for additional incentive for having acquired the additional qualification prior to 10.03.2023 which are pending or not made as on 10.03.2020 being the date of G.O.Ms.No.37 Personnel and Administrative Reforms (FR-VI) Department and claims for additional incentive which have already been processed and sanctioned prior to 10.03.2020 will be continued to receive incentive in the salary and consequently direct the first respondent to grant the 1st and 2nd incentive, as the case may be, for the petitioners who have acquired additional qualification prior to 10.03.2020 and are eligible for sanction of increment in their salary.



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For Petitioners : M/s.C.Uma

For Respondents

For R1 to 3 : Mr.K.Tamilvendan,
Government Advocate

For R4 : Mrs.S.Mythereye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the Government Order in G.O.Ms.No. 95 Human Resources Management (FR-IV) Department dated 26.10.2023 passed by the first respondent.

2. The case of the petitioners is that they have acquired the additional qualification for sanction of advance incentive prior to 10.03.2020. While some of the applications which have been filed by the Government servants prior to 10.03.2020 for sanction of incentive, were processed expeditiously and additional incentive was sanctioned to them, the applications filed by certain Government servants like the Petitioners, who had acquired the additional qualification for grant of 2nd incentive or the 1st incentive, as the case may be, prior to 10.03.2020, were kept



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pending and not processed before 10.03.2020 due to administrative reasons or belated claims by the individuals. Based on the earlier policy to grant incentive for higher qualifications, the Petitioners worked hard and acquired higher qualification. In fact, the higher qualification acquired by the petitioners would help them in improving their teaching method.

2.1 The further case of the petitioners is that under G.O.Ms.No.95, Human Resources Management Department dated 26.10.2023, Government servants who acquired higher qualification after 26.10.2023 and Government servants who acquired higher qualification prior to 10.03.2020 being the date of G.O.Ms.No. 37 but not sanctioned due to various administrative reasons are treated equally resulting in unequals being treated equally violating Article 14 of the Constitution. The Government servants who have acquired the higher qualification prior to 10.03.2020 should be treated separately and incentives in their salary should be sanctioned.



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2.2 The further case of the petitioners is that there are many cases where the higher qualifications for higher qualification were acquired prior to 10.03.2020 being the dated of G.O.Ms.No. 37 Personal and Administrative Reforms Department additional incentives have been sanctioned without any objections from the audit department like in the case of Agriculture and Farmers Welfare Department. As per the G.O.Ms.No.116 Personnel and Administrative Reforms Department dated 15.10.2020, clarifications of the cancellation of the Scheme of sanction of advance increment in all departments issued. As such, the cases of Government Servants who have acquired higher qualification prior to the date of issue of the Government order 1st read above and not sanctioned with advance increment/not applied for sanction of advance increment by the Government servant concerned may be examined separately as per para 6(vi) of the Government order 1st read above and appropriate orders to be issued before 31.03.2021. The specific stand of the petitioners is that the Government ought to have passed orders before 31.03.2021 sanctioning additional increment for Government servants who have acquired additional qualification.



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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."

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



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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:-

<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/-



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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 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



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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 the Petitioners 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, the petitioners 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.

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.



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

16.02.2024
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

To

- 1.Chief Secretary to Government,
The State of Tamilnadu,
Human Resources Management(FR.IV) Department,
Fort St.George, Chennai 600 009
- 2.Secretary to Government,
The State of Tamilnadu,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai 600 009
- 3.The Director,
Tamilnadu Government Audit Department,
No.571, Officers Building,
Veterinary Hospital Campus,
4th Floor, Anna Salai,
Nandanam, Chennai 600 035
- 4.The Joint Director(Personnel),
School Education Department,
DPI Complex, College Road,
Chennai 600 006



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