

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

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

W.P.No.3645 of 2024

B.Neelamani

... Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai 600 006
- 2.Chief Educational Officer,
Salem District,
Salem 636 001
- 3.The District Elementary Educational Officer,
Salem District,
Salem 636 001
- 4.Block Educational Officer,
Block Educational Office,
Konganapuram,
Salem 637 102

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to disburse the advance increment for the petitioner as per the sanction

order made by the fourth respondent in Na.Ka.No.759/Aa/2019 dated 23.03.2020 along with the arrears from 06.05.2019.

For Petitioner : Mr.K.Thilageswaran

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

ORDER

This writ petition has been filed for direction to the respondents to disburse the advance increment for the petitioner as per sanction order made by the fourth respondent dated 20.03.2020.

2. The petitioner is qualified with Diploma in Teacher Education and also passed Teacher Eligibility Test. Thereafter, she was recruited to the post of Secondary Grade Teacher in Panchayat Union Middle School, Thangayur, Konganapuram Taluk, Salem District in the year 2012. After obtaining permission, she had pursued her bachelor degree in English from Alagappa University and completed the same in the year 2015. Further, she she had pursued B.Ed degree in the year 2019. She had acquired higher qualification i.e. B.Ed degree and as such, she claimed advance increment from the date of acquiring higher

qualification. Her claim was considered and by the communication dated 23.03.2020 on the file of the fourth respondent sanctioned the advance increment.

3. On perusal of records, as per the G.O. (Ms) No. 37, Personnel and Administrative Reforms Dept dated 10.03.2020, a policy decision was taken and accordingly, the scheme of sanction 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. Subsequently, it was clarified by the 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. However, by the subsequent Government Order in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023 passed the following orders:

*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 the Government Order second and third read above and clarification issued in the Government Letter fourth read above, 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 Government Order second read above and the Government Letter fourth read above 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.

8. The Government, therefore, directs that the Government Servants, who acquire additional educational

qualifications including those who have already submitted applications seeking incentive therefor, shall henceforth be granted only with one-time lumpsum as ordered in the Government order third read above, and the following guidelines are issued:-

(1) The incentive will not be available for the qualifications which are laid down as essential or desirable qualifications in the recruitment rules for the post.

(II) No Incentive shall be allowed for acquiring higher qualification purely on academic or literary subjects. The acquisition of the qualification should be directly related to the functions of the post held by him/her, or to the functions to be performed in the next higher post. There should be direct nexus between the functions of the post and the qualification acquired and that it should contribute to the efficiency of the government servant.

(iii) The quantum of incentive will be uniform for all posts, irrespective of their classification or grade or the Department.

(iv) The Incentive shall not be admissible where the Government servant is sponsored by the Government or he/she avails study leave for acquiring the qualification.

(v) *The Incentive would be given only for higher qualification acquired after Induction into service.*

(vi) *No incentive would be admissible if an appointment is made in relaxation of the educational qualification. No incentive would be admissible if employee acquires the requisite qualification for such appointment at a later date.*

(vii) *The qualifications meriting grant of incentive should be recognized by University Grants Commission, respective regulatory bodies like All India Council for Technical Education (AICTE) etc. set-up by Central/State Government or recognized by the Government.*

(viii) *The incentive shall be limited to maximum two times in an employee's career, with a minimum gap of two years between successive grants*

(ix) *The Government servant should prefer the claim within six months from the date of acquisition of the higher qualification in respect of future claims*

(x) *The claims already rejected by the Departments concerned are not eligible for grant of lumpsum amount.*

(xi) *The lumpsum amount shall be granted only for those who have acquired higher qualification and not sanctioned with advance increment till date.*

(xii) *The Administrative Departments, shall issue*

orders separately in this regard, after examining the existing qualifications prescribed in the Service Rules, the duties, roles and responsibilities of the relevant posts, additional educational qualifications required for performing the relevant duties, the ways in which the higher educational qualifications for the said posts would be beneficial to the development activities of the Department and to the Government by and large and then issue orders in consultation with the Human Resources Management and Finance Departments.

4. Accordingly, no incentive shall be allowed for acquiring higher qualification purely on academic or literary subjects. The acquisition of the qualification should be directly related to the functions of the post held by him/her, or to the functions to be performed in the next higher post. Further, the quantum of incentive will be uniform for all the posts irrespective of their qualification of grade or department. Therefore, they are entitled for only lumpsum amount for their additional qualification. Accordingly, those who had acquired Ph.D., entitled to get lumpsum amount to the tune of Rs.25,000/-, PG degree Rs.20,000/- and degree / diploma Rs.10,000/-. Therefore, though the fourth respondent

sanctioned advance increment, the petitioner is not entitled for advance increment as per the Government Order in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023. That apart, the said G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023, was also challenged before this Court and this Court dismissed batch of writ petitions and upheld the said Government order.

5. In view of the above, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

16.02.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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