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W.P.No.5040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

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

W.P.No.5040 of 2024

Sendhamarai

....Petitioner

Versus

- 1.The State of Tamilnadu rep by its
Secretary to Government,
School Education,
Secretariat,
Fort St.George,
Chennai 600 009
- 2.The District Elementary Educational Officer,
Salem District,
Salem-7
- 3.The District Educational Officer,
District Educational Officer,
Sankari,
Salem District
- 4.The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Officer,
Veerapandi,
Salem District

. . . Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to pass an order to sanction the incentive increment to the petitioner based



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on the application of the petitioner dated 02.11.2020 within stipulated time may fixed by this Court.

For Petitioner : Mr.M.Senthil Kumar

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

ORDER

This writ petition has been filed for direction to the respondents to sanction incentive increment to the petitioner based on her additional qualification.

2. The petitioner was appointed as Junior Grade Teacher (Middle Grade Teacher) in Panchayat Elementary School, Vadharasampati, Veerapandi Union in the year 1999. She was promoted to the post of Headmaster in the Elementary School, PK Valavu, Union, Veerapandi Union, Salem District. While being so, the petitioner had completed B.Ed degree and thereafter, she completed M.A.Degree in the year 2019. Therefore, she submitted application before the third respondent seeking incentive increment as per the Government Orders.



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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 orders to be issued before 31.03.2021. Based on the orders issued in G.O.



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(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



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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 the Petitioner has acquired her 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 petitioner is 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.



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10. Therefore, the petitioner is entitled only for lumpsum incentive for the additional qualification obtained by her. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

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

1. Secretary to Government,
The State of Tamilnadu rep by its
School Education,
Secretariat,
Fort St.George,
Chennai 600 009
2. The District Elementary Educational Officer,
Salem District,
Salem-7
3. The District Educational Officer,
District Educational Officer,
Sankari,
Salem District
4. The Assistant Elementary Educational Officer,
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