



W.P.No.9841 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM:

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

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1. N.Jothi
2. V.Revathi
3. V.Sasikala
4. M.Mariyammal
5. N.Vasanthi
6. M.Sakthivel
7. C.Sharadha Devi
8. K.Jothi
9. R.Bharathi
10. S.Sobiya
11. T.Shanthi
12. C.Sugancy
13. M.Chitra Selvi
14. G.Rajalakshmi
15. V.BharathiPriya
16. A.Senthil Kumar
17. K.Kalaivani
18. G.Siranjani Devi
19. V.Mahalakshmi
20. K.Bavani
21. Sathyapriya

... Petitioners

-Vs-

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9.



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2. The Director of Medical Education,
Kilpauk, Chennai-10.

3. The Additional Director of Medical Education,
Kilpauk, Chennai-10.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay two incentive increments for possessing pro basic B.Sc. Nursing degree or salary of the Officiated post of Nursing Tutor Gr.II as Allowance for the service rendered as Nursing Tutor Gr. II within a reasonable time frame.

For Petitioners : Mr.M.Muthappan

For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to pay two incentive increments for possessing pro basic B.Sc. Nursing degree or salary of the Officiated post of Nursing Tutor Gr.II as Allowance for the service rendered as Nursing Tutor Gr. II within a reasonable time frame.

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



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3. The petitioners had completed Diploma in Nursing in Tamil Nadu and they were appointed as Staff Nurse. While they were in service, they applied for the post of basic B.Sc degree course as service candidates. Thereafter, they had completed the course and they were posted to serve in various Government Hospitals and nursing schools. They were also deputed to serve as nursing Tutor Grade II for the purpose of Inspection conducted by the Tamil Nadu Council of Nursing. However, they were not paid any excess salary by way of incentive increment. The claim of the petitioner is that they are entitled to get increment for having served as Nursing Tutor, Grade II in various Government Schools and Colleges of Nursing where ever they were posted even for a short tenure in order to justify the norms of Nursing Council. The next avenue of promotion from the post of Staff Nurse is Nursing Tutor, Grade II. When ever any Teacher who obtained a degree other than the necessary qualification is eligible for two incentive increment on their completion of degree course in their service and as well as Post Graduate degree. However, the Staff Nurse who completed the basic B.Sc degree Nursing course is not entitled for such incentive increment. Therefore, they submitted representation seeking two incentive increment.



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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. (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.



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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/-

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



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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. Even though the Petitioners have acquired their higher educational qualification prior to 10.03.2020 and claims made subsequently for sanction of benefits for having acquired higher educational qualifications, 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



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sanctioned with advance increment till date.

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8. 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 seeking two incentive increment of salary of the officiated post of Nursing Tutor Grade II as allowances for the service rendered by them as Nursing Tutor Grade II cannot be considered and the writ petition is devoid of merits and is liable to be dismissed.

9. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

13.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,

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To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9.s
2. The Director of Medical Education,
Kilpauk, Chennai-10.
3. The Additional Director of Medical Education,
Kilpauk, Chennai-10.

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