



W.A.No.3491 and 3496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.3491 and 3496 of 2024
and
C.M.P.No.27167 and 27182 of 2024**

1. A.Sundari
2. P.Gnanamutumalathi
3. J.Mohan
4. N.Sathyaraj
5. J.Manikandan
6. V.Periyasamy
7. D.S.Leelavathi
8. C.Ramalingam
9. B.Thamizhkko
10. K.Kumaresan
11. R.Subashsharma
12. N.Aruna Devi
13. S.Vidhyalakshmi
14. C.Sudha
15. S.Sudarmathi
16. M.Mahalakshmi
17. A.Arumuga Kumar
18. A.Vishalatchi
19. G.Sasi
20. M.Jayanthi
21. P.Balakumar
22. S.Gunasundari
23. A.Vilvanathan
24. K.Sumathi
25. S.Kavitha



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26. N.Kalavani
27. P.Pushpha
28. P.Rajalakshmi
29. S.Venkatachalam
30. M.Sudha
31. C.Maheswari
32. R.Mageshwari
33. C.Gajalakshmi
34. S.Dhivya
35. C.Velayutham
36. S.Bhuvaneswari
37. M.Sasikala
38. P.Kalaichelvi
39. P.Sangeetha
40. M.Madeswari
41. K.Saranya
42. D.Varadharaju
43. P.Reukadevi
44. V.Amudhavalli
45. S.Kumaran
46. S.Menaga
47. P.Kasi
48. G.Vendamani
49. M.Shakila
50. A.Sakthivel

... Appellants
in W.A.No.3491 of 2024

1. L.Sripriya
2. A.Nivetha
3. M.Uma Maheswari
4. G.Nalini
5. K.Narmatha
6. M.Ganesan
7. M.S.Saranya
8. N.Uma
9. A.P.Annapooranam
10. R.Ponnuchamy
11. M.Rajeswari
12. G.Vijayalakshmi



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13. A.Selvarani
14. P.Umarani
15. R.Veni
16. R.P.Kavitha
17. M.J.Pavithra
18. P.Valli
19. A.Nithya
20. C.Amutha
21. S.Tamilselvi
22. V.Kavitha
23. A.Alice Helen Glory
24. C.Kannan
25. D.Suriaselvi
26. C.Saravanan
27. C.S.Amalselvi
28. V.Elavarasan
29. M.Esaimathi
30. M.Janani
31. M.Madhaiyan
32. S.Nandhinikumari
33. S.Sudha
34. J.P.Epiphany Devakirubai
35. M.Selvi
36. K.Renuka
37. N.Sangitha
38. V.Saravanakumar
39. V.Sathyarani
40. K.Rubanandhini
41. R.Sargunavathi
42. K.Sripriya
43. S.Panneer Doss
44. N.Sivagamy
45. K.Balasubramaniyan
46. M.Baskar
47. T.Rani
48. K.Seetha
49. V.Sheelarani
50. J.Venkatesan

... Appellants
in W.A.No.3496 of 2024



W.A.No.3491 and 3496 of 2024

-Vs-

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

... Respondents
in both W.As

COMMON PRAYER : Appeals filed under Clause 15 of Letters Patent, to set aside the order in W.P.Nos.6252 and 6253 of 2024 dated 11.03.2024 and allow the above writ appeals.

For Appellants : Mrs.Nalini Chidambaram
in both W.As Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.U.M.Ravichandran
in both W.As Special Government Pleader



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COMMON JUDGMENT

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(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

These intra Court appeals have been directed against the order passed by the writ Court dated 11.03.2024 in W.P.Nos.6252 and 6253 of 2024.

2. The question that was posed before the learned Judge is as to whether the writ petitioners since have acquired additional qualification, would be entitled to get the additional incentive increment or not in view of G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-VI) Department dated 10.03.2020.

3. The issue of fixing a cut-off date under the Government Order making them dis-entitled to get the advance incentive increment for those who acquired the additional qualification had engaged the Division Bench of this Court at Madurai Bench in W.A.(MD)No.975 of 2024, where a judgment has been passed by the Division Bench of this Court at Madurai Bench (where one of us is party) on 12.06.2024, where the issue has been decided that those who completed the degree prior to the date of the Government Order would be entitled to get the advance incentive increment. Following the same, yet another



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Division Bench judgment had come, of course, from the same Division Bench, (where one of us is party) in W.A.(MD)No.1052 of 2024 dated 21.06.2024.

4. Therefore, the issue now raised has been given quietus by the said Division Bench judgments of this Court at Madurai Bench, however, prior to the said judgments, since impugned order has been passed by the writ Court on 11.03.2024, the learned Judge of the writ Court, following an earlier order passed in W.P.No.1605 of 2023 etc., batch dated 29.01.2024, had dismissed these two writ petitions, namely, W.P.Nos.6252 and 6253 of 2024 by the impugned order dated 11.03.2024.

5. In view of the law having been declared by this Court, though it is submitted by the learned Special Government Pleader that, as against the judgments passed by the Division Bench at Madurai, there has been review filed which is pending, we are not impressed with the said submission made by the learned Special Government Pleader for the simple reason that, merely because a review has been filed by the State against the judgment passed by the Division Bench which has been followed in another Division Bench judgment, the settled legal position cannot be said to be an infirm one and not capable of being followed by the writ Court or the co-equal benches.



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6. Since that kind of proposition could not be accepted by this Court, we are inclined to follow the Division Bench judgment made in W.A.(MD)No.975 of 2024 dated 12.06.2024 followed by the Division Bench judgement in W.A.(MD)No.1052 of 2024 dated 21.06.2024.

7. Therefore, the order which is impugned herein would not stand in the legal scrutiny, hence, it is liable to be set aside, accordingly, it is set aside. Resultantly, these Writ Appeals are ordered. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (C.S.N., J.)

03.12.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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- To
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State of Tamil Nadu,
Human Resources Management (FR.IV) Department,
Fort St.George,
Chennai - 600 009.
 2. The Secretary to Government,
State of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St.George,
Chennai - 600 009.
 3. The Director,
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Veterinary Hospital Campus,
4th Floor, Anna Salai,
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Chennai - 600 035.
 4. The Director of School Education,
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Chennai - 600 006.



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and
C.SARAVANAN, J.**

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