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W.P.Nos.9458, 9459 and 9460 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

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THE HON'BLE **MR.JUSTICE BATTU DEVANAND**

W.P.Nos.9458, 9459 and 9460 of 2017

- | | |
|-----------------|-------------------------------------|
| 1. A.M.Adhavan | ..Petitioner in W.P.No.2458 of 2017 |
| 2. S.Sasikala | ..Petitioner in W.P.No.2459 of 2017 |
| 3. S.Thirupathi | ..Petitioner in W.P.No.2460 of 2017 |

Vs.

1. The Additional Secretary to Government,
Finance (T & A1) Department,
Fort St George, Chennai – 9.

2. The Director of Treasury & Accounts,
Panagal Building,
Saidapet, Chennai – 15.

...Respondents in all W.P.s

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records of the 1st respondent in connection with the impugned order passed by him in letter Nos.26375/T & A-I/2016, 26388/T & A-I/2016 and 26372/T & A-I/2016 dated 11.07.2016 and 24.06.2016 respectively and quash the same and direct the respondents to grant two advance increments to the petitioner for having possessing MBA degree with all monetary benefits from the date of joining into service, as ordered in



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W.P.No.18674/2011 dated 23.07.2013.

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In all W.P.s

For Petitioner : Mr.Venkataramani for
Mr.M.Muthappan

For Respondents : M/s.Akila Rajendran, GA

COMMON ORDER

Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. The petitioners, who are in the services of the Government of Tamil Nadu have completed their Post Graduate degrees in Business Administration and International Business in recognized universities and in terms of G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977 have made several representations requesting sanction of two advance increments for such management qualification that they have obtained. However, the Government of Tamil Nadu by G.O.(Ms) No.154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010 cancelled G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977 with effect from the date of



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issue of that order. Thereafter, one A.Subramani, who had acquired M.B.A.

Degree in the year 2009 and had made request for advance increments based on G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977, but was rejected by Letter No.S(1)/4643/2009 dated 16.03.2011 quoting its withdrawal by subsequent G.O.(Ms) No.154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010, which had been challenged in W.P.No.18674 of 2011 and this Court in the order passed on 23.07.2013 held that G.O.(Ms)No.154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010 cannot take away the accrued right of a person who had acquired M.B.A degree prior to the said Governmental Order and the said cancellation of the benefit could only operate prospectively. Though the petitioners requested for two advance increments, the first respondent rejected the same by letter Nos.26375/T & A-I/2016, 26388/T & A-I/2016 and 26372/T & A-I/2016 dated 11.07.2016 and 24.06.2016 respectively by merely quoting G.O.(Ms)No.154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010 where the scheme of sanction of two advance increments was dispensed with from the



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year 2010. Aggrieved thereby, the petitioners have filed these writ petitions.

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3. The respondents have filed counter-affidavit reiterating the same contentions as in the impugned order.

4. The learned counsel appearing for the petitioners contend that though the petitioners, who have acquired M.B.A degree have made several representations to the first respondent through second respondent for grant of benefit in terms of Governmental Orders in terms of G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977, however, the same cannot be denied in spite of the decisions of this Court referred supra have already clarified the said legal position.

5. The learned Government Advocate appearing for the respondents contend that the order of dispensing with the sanction of two advance increments for acquiring the MBA degree was issued on 26.10.2010 but the petitioners have not undertaken prospective effect from the date. The petitioners have not shown any interest to make representation in this regard



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immediately. They submitted the representations only on 28.03.2016 and 22.04.2016 i.e., after a lapse of nearly six years. The learned Government Advocate further submits that the impugned orders passed by the first respondent are in accordance with the existing provisions and it is well sustainable and there is no violation of legal principles and sought to dismiss the writ petitions.

6. Having heard the submissions of the respective counsels and upon careful examination of the entire material available on record this Court is of the opinion that there is substantial force in the said submissions made by the learned counsel appearing for the petitioners. As already noticed in the earlier orders passed by this Court, persons like the petitioners, who had already acquired M.B.A. Degree and had made representations for granting the advance benefits in terms of G.O.Ms.No.825, Personnel and Administrative Reforms (FR.I) Department dated 06.07.1977 cannot be denied of its benefits by citing G.O.(Ms) No.154, Personnel and Administrative Reform (FR-IV) Department dated 26.10.2010 which has withdrawn those benefits with prospective effect from that date. In that view



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of the matter, the impugned orders in letter Nos.26375/T & A-I/2016, 26388/T & A-I/2016 and 26372/T & A-I/2016 dated 11.07.2016 and 24.06.2016 respectively passed by the first respondent, which cannot be sustained.

7. In view of the above the impugned orders are liable to be quashed. Accordingly, these writ petitions are disposed of with the following directions:

(i) the impugned order in letter Nos.26375/T & A-I/2016, 26388/T & A-I/2016 and 26372/T & A-I/2016 dated 11.07.2016 and 24.06.2016 respectively passed by the first respondent are hereby set aside.

(ii) The respondents shall grant two advance increments from the date of acquiring higher degree by the petitioners as sought in their representations within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index : Yes/No
NCC : Yes/No
Speaking order : Yes/No

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BATTU DEVANAND, J.

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