



W.P.(MD).No.12797 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12797 of 2024
and WMP(MD) No.11377 of 2024

K.Revathy

... Petitioner

Vs

1. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.
2. The District Adi Dravidar And Tribal Welfare Officer,
Karur District – 639 007.
3. The Head Master,
The Adi Dravidar and Tribal Welfare High School,
Mavathur, Karur District 621 311.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.O3/7653/2024, dated 27.05.2024 on the file of the respondent No.1 and quash the same as illegal and consequently direct the respondents to revise the petitioner's family pension by providing the necessary second incentive increments from 23.01.2018 for



W.P.(MD).No.12797 of 2024

acquiring M.Phil Degree in Tamil by the petitioner's husband, R.Karuppasamy (late) in January 2018, while in service, within the time stipulated by this Court.

For Petitioner : Mr. S. Louis

For Respondents : Mr.M.Ramesh (R1,R2)
Government Advocate

ORDER

Heard Mr.S. Louis, learned counsel appearing for the petitioner, Mr.M.Ramesh, learned Government Advocate appearing for respondents 1 & 2. Since no adverse order is going to be passed against the 3rd respondent, notice to the third respondent is dispensed with.

2.The petitioner has filed this writ petition challenging the impugned order in Na.Ka.No.O3/7653/2024, dated 27.05.2024 on the file of the respondent No.1 and consequently to direct the respondents to revise the petitioner's family pension by providing the necessary second incentive increments from 23.01.2018 for acquiring M.Phil Degree in Tamil by the petitioner's husband, R.Karuppasamy (late) in January 2018, while in service.

3.The petitioner's husband was working as a B.T.Assistant (Tamil) has acquired qualification M.A., M.Phil. Despite the petitioner's husband had



W.P.(MD).No.12797 of 2024

given with the incentive increment for acquiring M.A., degree, he has not been given with an incentive increment for securing M.Phil., degree in the year 2018. In this regard, the petitioner has filed W.P.(MD) No.6598 of 2024 seeking a direction to consider the representation of the petitioner in this regard. Consequent to the direction, the impugned order has been passed on 27.05.2024 by awarding a lump-sum of Rs.20,000/- in accordance with G.O.Ms.No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023.

4.On perusal of G.O.Ms.No.95, it is stated that the lump-sum amount is awarded for the State Government employees for having acquired additional qualification after 10.03.2020. The relevant part of G.O.Ms.No.95 would read as under:

“6.Accordingly, orders were issued in the Government order third read above, namely 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:-



W.P.(MD).No.12797 of 2024

<i>Sl.No.</i>	<i>Higher Qualification</i>	<i>Amount (Rs)</i>
<i>1</i>	<i>Ph.D</i>	<i>25,000/-</i>
<i>2</i>	<i>P.G.Degree or equivalent</i>	<i>20,000/-</i>
<i>3</i>	<i>Degree/Diploma</i>	<i>10,000/-</i>

It may be noted that this decision emulates closely the decision taken by Government of India which in turn based on the 7th Central Pay Commission recommendations, ie., to grant a one time lumpsum incentive to the relevant higher educational qualifications. In this regard, further clarifications were also issued in the Government letter fourth read above.”

5.Since the petitioner has claimed that her husband had acquired the higher qualification of M.Phil Degree in the year 2018 itself, I feel the application of G.O.Ms.No.95 for the petitioner's case and awarding a lump-sum is not correct.

6.In view of the same, this Writ petition is allowed and the impugned order in Na.Ka.No.O3/7653/2024, dated 27.05.2024 is hereby set aside. The respondents are directed to reconsider the representation of the petitioner afresh and pass orders by sanctioning the incentive increment for



W.P.(MD).No.12797 of 2024

acquiring M.Phil Degree by the petitioner's husband, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

18.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.
2. The District Adi Dravidar And Tribal Welfare Officer,
Karur District – 639 007.



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W.P.(MD).No.12797 of 2024

R.N.MANJULA, J.

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18.06.2024