



W.A.(MD) No.1576 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1576 of 2024
and
C.M.P.(MD) No.12318 of 2024**

The Block Educational Officer – 2,
Guziliamparai Union,
Dindigul District.

... Appellant

-vs-

T.Mohandass

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 18.04.2024, passed in W.P.(MD)No.9519 of 2024.

For Appellant	:	Mr.S.P.Maharajan Special Government Pleader
For Respondent	:	Mr.Jerin Mathew for Mr.E.Ilango



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

This appeal is by the Department. The challenge is to the order of the Writ Court, dated 18.04.2024, made in W.P.(MD)No.9519 of 2024, wherein the Writ Court quashed the proceedings of the appellant, dated 26.03.2024, in and by which, the Block Educational Officer – 2, Guziliamparai Union, Dindigul District, had directed recovery of a sum of Rs.2,93,331/- paid to the respondent / petitioner upon sanction of incentive increment to him for acquiring the Postgraduate Degree in History.

2. The respondent/petitioner, who joined as a Secondary Grade Teacher and subsequently obtained a B.A. qualification, was granted one set of incentive increments [two normal increments]. Thereafter, he completed M.A. Tamil on 03.01.2018. He applied for the sanction of one additional set of incentive increments, which was approved on 16.04.2020. He was also paid the salary calculated based on the incentive increment till the impugned order came to be passed on 26.03.2024. The grant of the incentive increment was deemed irregular



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WEB COPY based on G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, which withdrew the entire scheme of incentive increments.

3. The Writ Court took note of the fact that this Court had held that both G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and G.O.(Ms)No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023, which deal with incentive increments are only prospective and cannot be made applicable retrospectively to the persons, who had acquired qualifications prior to the date of the Government Orders. In G.O. (Ms)No.116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020, which seeks to clarify G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, it has been specifically stated that the Government Servants, who have acquired higher qualification prior to the date of issue of G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, *i.e.*, 10.03.2020 and those who have not applied for sanction of advance increment, may be examined separately as per Paragraph 6(vi) of the Government Order read above.



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4. This Court, had, in **W.A.(MD)No.1052 of 2024**, dated **21.06.2024** [**The State of Tamil Nadu, Rep. by its Secretary, Department of School Education and others vs. A.Govindasamy and others**] held that operation of G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, will only be prospective and a portion of Clause 6(vi) of the said Government Order, which requires sanction of the Finance Department, has been quashed by this Court.

5. In the light of the above, we find that the Writ Court was justified in quashing the order, directing recovery of the incentive increments. The order of the Writ Court is in tune with the language and tenor of the Government Orders as well as the earlier pronouncement of this Court referred to supra. Hence, we see no merit in the Writ Appeal. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

6. At this juncture, Mr.S.P.Maharajan, learned Special Government Pleader points out that the last sentence in Paragraph 11 of the order impugned in the Writ Appeal, which reads as follows:-



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He argues that the wording "revoke" in the above said sentence, implies that the granted incentive increment is to be revoked.

7. It appears to be a typographical error; it should be read as "re-work" instead of "revoke".

NCC : No
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[R.S.M., J.] [L.V.G., J.]
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