



W.P.(MD)No.17957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.17957 of 2024

T.Sujitha

... Petitioner

vs.

1.State of Tamil Nadu,  
Represented by its Principal Secretary to the Government,  
School Education Department,  
Fort St.George,  
Chennai - 9.

2.The Director of School Education,  
DPI Campus,  
Chennai - 6.

3.The Chief Educational Officer,  
O/o.the Chief Educational Officer,  
Thoothukudi District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to re-fix the scale of pay of the petitioner in the post of Junior Assistant by granting advance increments for possessing B.A. English degree and passing Accounts Test for Subordinate Officer - Part I with effect from



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04.02.2013 with all consequential monetary benefits to the petitioner without referring to the Government Order in G.O.Ms.No.95, Human Resources Management (FR-IV) Department dated 26.10.2023 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman  
For Respondents : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to direct the third respondent to re-fix her scale of pay in the post of Junior Assistant by granting advance increments for possessing B.A. English degree and passing Accounts Test for Subordinate Officer - Part I with effect from 04.02.2013 with all consequential monetary benefits without referring to the Government Order in G.O.Ms.No.95, Human Resources Management (FR-IV) Department dated 26.10.2023 within a stipulated time.



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**3.** The petitioner was appointed in the post of Junior Assistant on 02.02.2013 and joined in the said post on 04.02.2013 and now she is working in the third respondent Office. The petitioner has completed B.A. English degree as early as in the year 2009 and passed the Accounts Test in the year 2014 itself. Though the petitioner was initially given with incentive increment for passing Accounts Test, subsequently, she was asked to repay the same and was also advised to apply for incentive increment after declaration of probation. Due to administrative reasons, her probation was declared only on 03.02.2015. Thereafter, when the petitioner requested for incentive increment, she was informed that incentive increment has been dispensed with by the Government Order in G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. Hence, this petition.

**4.** Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner submitted that the incentive increment claimed by the petitioner is kept pending citing G.O.Ms.No.95 Human Resources Management, dated 26.10.2023. Since the petitioner apprehends that order if any would



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be passed only in terms of G.O.Ms.No.95 Human Resources Management, dated 26.10.2023, she has come up with this writ petition seeking mandamus.

5. A similar issue was already dealt with by the Division Bench of this Court in W.A.(MD) 1052 of 2022, dated 21.06.2022. The Division Bench has confirmed that the incentive increment is permissible for those persons, who already have the higher qualification and who had also made their application prior to issuance of G.O.Ms.No.95, dated 26.10.2023 and they cannot be denied with the said benefit by citing the above Government Order. The relevant portion is extracted hereunder:

*“12.In the instant case, the Writ Petitioner has, admittedly, acquired additional qualification by getting proper permission prior to issuance of G.O.(Ms)No.37 and it is his second incentive increment and in fact, the same also had been considered and granted by the appellants by proceedings, dated 19.12.2019 with effect from 01.07.2017. Hence, the argument of the appellants that in view of the clarificatory order, the Writ Petitioner is not entitled for the incentive increment, cannot be sustained and accordingly, rejected. The learned Judge, had rightly, arrived at a conclusion that the Writ Petitioner is entitled for the grant of second incentive increment and the same cannot be denied in view of*



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*G.O.(Ms)No. 37 and G.O.(Ms)No.95, which needs no interference and accordingly, sustained.”*

6. In this regard, it is appropriate to refer the earlier order of this Court in W.P(MD) No.12797 of 2024, dated 18.06.2024, wherein, this Court has made the following observations:

*“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:-*

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

*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*



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*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 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. Even in the instant case, the petitioner has acquired higher qualifications prior to the issuance of the Government Order in G.O.Ms.No.95 Human Resources Management, dated 26.10.2023. Hence, she is obviously entitled to incentive increment.

8. In view of the above stated reasons, the writ petition is **allowed** and the third respondent is directed to consider the application of the petitioner for grant of incentive increment in the light of the above



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observations and pass appropriate orders within a period of four weeks

from the date of receipt of a copy of this order. No costs

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

*mbi*

To

- 1.The Principal Secretary to the Government,  
School Education Department,  
Fort St.George,  
Chennai - 9.
- 2.The Director of School Education,  
DPI Campus,  
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- 3.The Chief Educational Officer,  
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R.N.MANJULA, J.

*mbi*

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