



W.P.(MD).No.21054 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21054 of 2021

G.Nirmala Joy

...Petitioner

Vs.

- 1.The Chief Educational Officer,
Dindigul District, Dindigul.
- 2.The District Educational Officer,
Dindigul District, Dindigul.
- 3.The Regional Accounts Officer (Audit),
School Education Department, Madurai 2.
- 4.The Treasurer,
District Treasurer Office,
Dindigul District, Dindigul.
- 5.The Correspondent,
Punitha Valanar Girls Higher Secondary School,
Dindigul, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the arrears of the incentive increment of Rs.2,79,492/- as approved by the



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second respondent in his proceedings No.1578/AL/2020 dated 17.06.2020 to the petitioner based on her representation dated 24.08.2021.

For Petitioner : Mr.R.Suriyanarayanan

For R-1 to R-4 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader appearing for respondent Nos.1 to 4.

2. The present writ petition has been filed seeking direction to the respondents to pay the arrears of incentive increment of Rs.2,79,492/- as approved by the second respondent in his proceedings in No.1578/AL/2020 dated 17.06.2020 to the writ petitioner based on her representation dated 24.08.2021.

3. The petitioner was appointed as B.T. Assistant (Maths) in the fifth respondent School on 01.06.2009. The petitioner possessed a higher



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qualification in M.Sc., (Maths) even at the time of her appointment along with B.Ed., degree., i.e., a qualification prescribed for the post of B.T. Assistant. Though the writ petitioner had been eligible to get incentive increment from the date of her appointment as per her higher qualification, in view of the fifth respondent's recommendation to that effect, the second respondent had sanctioned increment from 04.11.2019 vide proceedings in O.Mu.No. 4265/A1/2019. As such, the writ petitioner received her incentive increment from May 2020. As far as the arrears of incentive increment is concerned, the second respondent has passed an order vide proceedings dated 17.06.2020 and the calculated amount of arrears would sum up to Rs.2,79,492/- for the period from June 2009 to April 2020. However, the same was not disbursed to her and in view of the same, the writ petitioner made a written representation to the second respondent on 24.08.2021 in person. Even thereafter, her representation was not considered and hence, this Writ Petition came to be filed.

4. Mr.R.Suriyanarayanan, learned counsel appearing for the writ petitioner drew my attention to the proceedings of the second respondent in 1578/AL/2020 (as signed on 17.06.2020) by which a total amount of



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Rs.2,79,492/- towards arrears of incentive increment to which the petitioner is entitled for the period from June 2019 and April 2020 has been duly sanctioned. He also drew my attention to the proceedings of the second respondent communicated to the fourth respondent in proceedings bearing No. 3431/A1/2021, dated 01.12.2021, reporting the pending incentive details to which the petitioner is entitled to acknowledging the fact that, a delay in disbursal of the same has occurred due to the pandemic during the year 2020 and had recommended disbursal of the same. In view of the said communications, the learned counsel categorically submitted that the petitioner is entitled for the arrears and he pressed for allowing this Writ Petition.

5. The second respondent has filed a counter affidavit and Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents submitted that though the writ petitioner possessed higher qualification as early as in the year 2009, even when she was appointed to the post of B.T. Assistant, she has raised the claim belatedly after the period of ten years.



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6. In view of the laches of nearly a decade, the writ petitioner is not entitled for the arrears in grant of incentive. He also drew my attention that though the grant of incentive increment has been approved by the second respondent as early as on 04.11.2019, the fifth respondent has forwarded the same for approval only on 18.05.2020 to the District Educational Officer / second respondent and the said exercise has been done after the date of the Government Order in G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. In view of the bar in G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, for grant of incentive increment, the respondents could not act upon positively in favour of the writ petitioner and on that ground, he pressed for dismissal of the case.

7. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

8. This is a clear case where already the entire process of sanctioning the incentive increment to which the petitioner is entitled to has been duly



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considered by the respondent Authority and has sanctioned the same wayback on 04.11.2019. The same has culminated in the recommendation vide proceedings dated 01.12.2021, in which, the third respondent has recommended the case of the petitioner to the fourth respondent directing immediate disbursal of the sanctioned arrears of incentive increment to a tune of Rs.2,79,492/- attributing the delay which has been caused in the said disbursal to the then prevailing pandemic. That apart, the entitlement of a teacher for incentive increment has been confirmed by Clause 6 (vi) of G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and the same has been confirmed by the Division Bench of this Court in W.A.(MD).No. 975 of 2024 by order dated 12.06.2024.

9. In view of the same, there is no impediment in directing the respondents to pay arrears of Rs.2,79,492/- as approved by the second respondent in his proceedings in No.1578/AL/2020, dated 17.06.2020 to the writ petitioner. The respondents are directed consider the petitioner's representation dated 24.08.2021 and pass appropriate orders on merits and in



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accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

10. Accordingly, this Writ Petition stands **disposed of**. No costs.

04.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
TSG

To

- 1.The Chief Educational Officer,
Dindigul District, Dindigul.
- 2.The District Educational Officer,
Dindigul District, Dindigul.
- 3.The Regional Accounts Officer (Audit),
School Education Department, Madurai 2.
- 4.The Treasurer,
District Treasurer Office,
Dindigul District, Dindigul.



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L.VICTORIA GOWRI, J.

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