



REV. APLW.(MD) No.16 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV. APLW.(MD) No.16 of 2024

and

W.M.P.(MD)No.3183 of 2024

- 1.The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.
- 2.The Chief Educational officer,
Office of the chief Educational Office,
Collectorate Campus,
Virudhunagar, Virudhunagar District.
- 3.The District Educational Officer,
Office of the District Educational Office,
Collectorate Campus,
Virudhunagar, Virudhunagar District.

... Petitioners

vs.

- 1.M.Arockiasamy
- 2.The Principal Accountant General (A&E),
Office of the Principal Accountant General (A&E),
Tamil Nadu, Chennai – 600 018.



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3.The Secretary,
Kshathriya Vidya Sala Higher Secondary School,
Virudhunagar, Virudhunagar District.

... Respondents

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the order made in Writ Petition(MD) No.6310 of 2016, dated 10.04.2023, by this Court.

For Petitioners	: Mr.D.Sadiq Raja Additional Government Pleader
For R1	: Mr.H.Mohamed Imran for M/s.Ajmal Associates
For R2	: Mr.P.Gunasekaran
For R3	: No appearance *****

ORDER

The present Review Application has been filed seeking to review the order dated 10.04.2023 passed in W.P.(MD) No.6310 of 2016.

2. The prayer in the writ petition was to grant stagnation increment for 30 years of service.

3. The contention of the petitioners is that after completing 20 years of service,



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he had an opportunity for promotion to the post of Headmaster but he relinquished the same in order to accommodate another person, since he was the choice of management. Hence, he submitted a relinquishment letter and based on the relinquishment letter the school accommodated one Chandramohan thereby, the 1st respondent herein lost the opportunity of promotion. Therefore, he pleaded before this Court in the writ petition that he may be considered for stagnation increment for 30 years of service. After considering his plea in the writ petition, this Court allowed the writ petition and directed the Department to provide stagnation increment to the writ petitioner.

4. The present review application is filed by the Department stating that the 1st respondent herein / petitioner therein had not come to this Court with clean hands and he had submitted a relinquishment letter citing personal reasons for his relinquishment.

5. On perusing the same, it is seen that the 1st respondent herein / petitioner therein had relinquished the promotion citing personal / family reasons. If the



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petitioner had stopped with that sentence, this Court would have accepted the review applicant plea. But the 1st respondent herein / petitioner therein had further stated that he had no objection for appointing one Chandramohan. This sentence creates a doubt that the said letter was not furnished on his own free will, but the management had forced the 1st respondent herein / petitioner therein to submit such a letter. Therefore, this Court is of the considered opinion that the reason cited by this Court in the writ petition is correct and needs no interference.

6. The next contention of the review applicants is that stagnation increment is granted only for the persons who are stagnating without any promotional opportunities and in the present case, since the 1st respondent herein / petitioner therein had an opportunity, he cannot be considered as stagnated “because the word stagnation would indicate that promotional opportunity was not granted to him at all”. Further the word stagnation will not cover the “opportunity granted but not availed”. This Court is of the considered opinion such a strict interpretation cannot be applied. Moreover, the G.O.Ms.No.562 Finance (Pay Cell) Department dated 28.10.1998 only states to provide stagnation increment to employees whoever had



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completed 30 years of service. It is only in a Letter (Ms) No.168 dated 11.10.2001 it is stated that relinquished persons are not entitled to stagnation increment. If the Government had issued a G.O., or had incorporated the same in main G.O.Ms.No. 562 such condition, this Court would have accepted the said plea. But a letter cannot override the benefits granted under G.O. Hence, this plea of the review applicants is rejected. Further by granting one more increment, the Government is not affected by financial implication.

7. Hence, this Court declines to entertain the review application and the review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes / No

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S.SRIMATHY, J.

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