

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.2827 of 2023

and

W.M.P.No.2948 of 2023

S. Balakrishnan

.. Petitioner

Versus

1.The State of Tamil Nadu Rep. By its
Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai – 9.

2. The Director General,
Highways Department,
Guindy, Chennai – 600 025.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected in Letter No.1451/Nir.2(1)/2014, dated 08.09.2017 and Memo No.14487/Nir.2(1)/2022 dated 09.12.2022 passed by the second respondent to quash the same and consequently direct the

respondents to grant incentive increment for acquiring M.B.A (Master Degree) qualification as was given to MR.V.S.R.Mayathevan in G.O.R.T.No.307, Highways (HK.2) Department, dated 06.12.2000 and revised pension with all other benefits to the petitioner and pass orders.

For Petitioner	: Mr.K. Arumugam
For Respondent	: Mr.T.M.Rajangam, Government Advocate

ORDER

This petition is filed to issue a Certiorarified Mandamus calling for the records connected in Letter No.1451/Nir.2(1)/2014, dated 08.09.2017 and Memo No.14487/Nir.2(1)/2022 dated 09.12.2022 passed by the second respondent to quash the same and consequently direct the respondents to grant incentive increment for acquiring M.B.A (Master Degree) qualification as was given to MR.V.S.R.Mayathevan in G.O.R.T.No.307, Highways (HK.2) Department, dated 06.12.2000 and revised pension with all other benefits to the petitioner and pass orders.

2.The facts of the case is that the petitioner is a retired employee from the Respondent/Department. While holding the post of Assistant

Engineer the petitioner completed M.B.A Degree from Madurai Kamarajar University in the year 1998. It is pertinent to note that the petitioner has obtained necessary permission from the authorities concerned to pursue the said Degree. After completion of the said degree the petitioner made an application to the Chief Engineer, Highways Department, Chennai requesting to sanction incentive increment for passing the said Degree. However, there was no progress in the said application, due to which the petitioner filed a petition in W.P.No.29193 of 2013 to consider the representation of the petitioner and this Court vide order dated 05.01.2017 disposed of the writ petition with a direction to the respondents therein, to consider the representation of the petitioner and pass orders within a period of 12 weeks from the date of receipt of a copy of that order. The sum and substance of the case is that after receipt of the orders passed by this Court, the second respondent has rejected the request of the petitioner in Letter No.1451/Nir.2(2)/2014 dated 08.09.2017. Challenging the same the petitioner made another representation on 15.09.2017, for which there was no reply. Due to which the petitioner preferred an appeal before the Government on 14.10.2022. Pending appeal the second respondent has issued a Memo

No.14487/Nir.2(1)/2022 dated 09.12.2022 wherein, the representation of the petitioner dated 15.09.2017 was rejected, which has given rise to this petition.

3. The learned counsel appearing for the petitioner submitted that in the impugned order dated 08.09.2017 the second respondent has stated that the Higher qualification (MBA) acquired by the petitioner could not be utilized by the Highways Department, which is not correct as the potency by acquiring the Higher qualification will be helpful for discharging his work efficiently. He further submitted that the respondents have granted incentive increment for acquiring M.B.A for one Mayadevan, Assistant Divisional Engineer and denying the same to the petitioner is unlawful and against the principles of natural justice. Hence, prays to allow this petition.

4. The learned counsel appearing for the respondents filed a counter affidavit, wherein, it is stated that as per G.O.(Ms) No.825, Personnel and Administrative Reforms (FR-I) Department dated 06.07.1977 approval of two incentive increments have been accorded to

the Government Servants with Post Graduate Degree in Management Sciences from a recognized Institution, working in Departments, where Management qualification can possibly be utilized. In the said G.O, it is also reiterated that the Department concerned should ensure that the officers who possess the Master's Degree in Management Sciences are properly utilized by posting them to appropriate posts, but the Respondent/Highways Department do not have such posts. The candidates who are qualified in Civil Engineering and its related fields are best suited to this Department and the Management studies are not of imminent use to this Department. The only prescribed condition for sanctioning two advance increments for the Higher Qualification in Management Sciences/Business Administration is that the officers with such additional qualification are properly utilised, but this condition could not be fulfilled in the Respondent/Highways Department. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On perusal of records, it is seen that in the G.O.(MS) No.154

dated 26.10.2010 it has been stated that almost all the Departments state that the MBA Qualification acquired by the individuals are useful for their Departments. However, the fact remains that such management qualifications are utilized fully only in limited Departments such as Sugar Mills, TASMACH, TNCSC Department etc., This writ petition revolves around two aspects, first one is whether it is mandatory for the Government to give an increment, if an employee possess a management degree and the second one is whether such qualifications are being utilized by the Respondent Department.

7. With regard to the first aspect, it is not mandatory for the Government to give an increment. With regard to the second aspect, whether such qualifications are being utilized by the Respondent Department, in the G.O.(MS). No.154 Dated 26.10.2010, it has been stated that the management qualifications are utilized fully only in limited Departments such as Sugar Mills, TASMACH, TNCSC Department etc., Furthermore the petitioner retired on 31.10.2007 and he has given the representation on 21.03.2006 and it will be difficult for any Department to provide a appropriate post for the additional qualification in the Department. Hence, there is no infirmity in the impugned order

passed by the second respondent and the same does not require interference.

8. In view of the above facts, it is made clear that the contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court. Hence, this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed. However, the petitioner is at liberty to file another petition challenging the relevant Government order.

06.02.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1.The Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai – 9.

2. The Director General,

Highways Department,
Guindy, Chennai – 600 025.

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V.BHAVANI SUBBAROYAN, J.

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