

WEB COPY

WP No. 17788 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 17788 of 2025

AND

WMP NO. 20055 OF 2025, WMP NO. 20056 OF 2025

1. M.Raji

W/o.V.Kanagaraj, Assistant, O/o.The
Joint Director Of Health Services,
Perambalur District

2.R.Jayachandran

S/o.V.Rajamanickam, Assistant,
O/o.The Joint Director Of Health
Services, Nilgiris District

3.C.Vijya

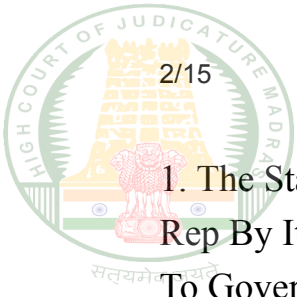
W/o.V.Suresh, Assistant, O/o.The Joint
Director Of Health Services,
Krishangiri District

4.N.Vani

W/o.Murugan, Assistant, O/o.The Joint
Director Of Health Services, Nilgiris
District

Petitioner(s)

Vs



1. The State Of Tamilnadu
Rep By Its Additional Chief Secretary
To Government, The Medical And
Rural Health Services Department,
Secretariat, Chennai

2. The State Of Tamilnadu
Rep By Its Additional Chief Secretary
To Government, Personnel And
Administrative Reforms(fr-
iv)department, Secretariat, Chennai

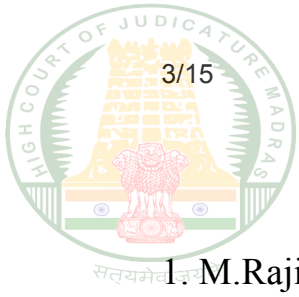
3. The Director Of Medical And Rural
Health Services
The Directorate Of Medical And Rural
Health Services, Teynampet, Chennai

4. The Joint Director Of Medical And
Rural
Health Services, O/o. The Joint
Director Of Medical And Rural Health
Services, Perambalur District

5. The Joint Director Of Medical And
Rural Health
Services, O/o. The Joint Director Of
Medical And Rural Health Services,
Nilgiris District

6. The Joint Director Of Medical And
Rural Health Services
O/o. The Joint Director Of Medical And
Rural Health Services, Krishangiri
District

Respondent(s)



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WMP No. 20052 of 2025

1. M.Raji

W/o.V.Kanagaraj, Assistant, O/o.The
Joint Director Of Health Services,
Perambalur District

2.R.Jayachandran

S/o.V.Rajamanickam, Assistant,
O/o.The Joint Director Of Health
Services, Nilgiris District

3.C.Vijya

W/o.V.Suresh, Assistant, O/o.The Joint
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4.N.Vani

W/o.Murugan, Assistant, O/o.The Joint
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District

Petitioner(s)

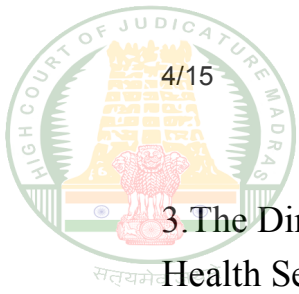
Vs

1. The State Of Tamilnadu

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2.The State Of Tamilnadu

Rep By Its Additional Chief Secretary
To Government, Personnel And
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3. The Director Of Medical And Rural
Health Services

The Directorate Of Medical And Rural
Health Services, Teynampet, Chennai

4. The Joint Director Of Medical And
Rural
Health Services, O/o. The Joint
Director Of Medical And Rural Health
Services, Perambalur District

5. The Joint Director Of Medical And
Rural Health
Services, O/o. The Joint Director Of
Medical And Rural Health Services,
Nilgiris District

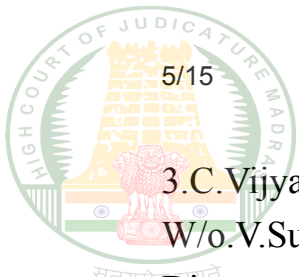
6. The Joint Director Of Medical And
Rural Health Services
O/o. The Joint Director Of Medical And
Rural Health Services, Krishangiri
District

Respondent(s)

WMP No. 20055 of 2025

1. M.Raji
W/o. V.Kanagaraj, Assistant, O/o. The
Joint Director Of Health Services,
Perambalur District

2. R.Jayachandran
S/o. V.Rajamanickam, Assistant,
O/o. The Joint Director Of Health
Services, Nilgiris District



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District

Petitioner(s)

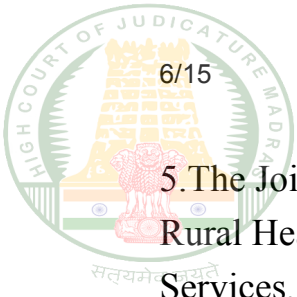
Vs

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4.The Joint Director Of Medical And
Rural
Health Services, O/o.The Joint
Director Of Medical And Rural Health
Services, Perambalur District



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5.The Joint Director Of Medical And Rural Health

Services, O/o.The Joint Director Of Medical And Rural Health Services, Nilgiris District

6.The Joint Director Of Medical And Rural Health Services

O/o.The Joint Director Of Medical And Rural Health Services, Krishangiri District

Respondent(s)

WMP No. 20056 of 2025

1. M.Raji

W/o.V.Kanagaraj, Assistant, O/o.The Joint Director Of Health Services, Perambalur District

2.R.Jayachandran

S/o.V.Rajamanickam, Assistant, O/o.The Joint Director Of Health Services, Nilgiris District

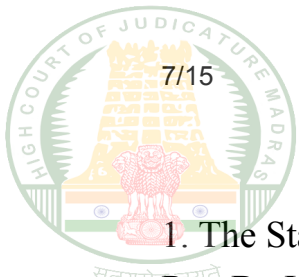
3.C.Vijya

W/o.V.Suresh, Assistant, O/o.The Joint Director Of Health Services, Krishangiri District

4.N.Vani

W/o.Murugan, Assistant, O/o.The Joint Director Of Health Services, Nilgiris District

Petitioner(s)



Vs

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Rural

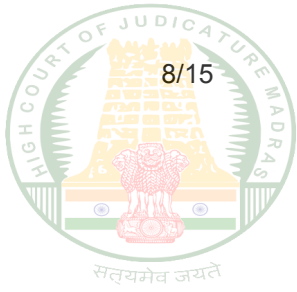
Health Services, O/o. The Joint
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Services, Perambalur District

5. The Joint Director Of Medical And
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Services, O/o. The Joint Director Of
Medical And Rural Health Services,
Nilgiris District

6. The Joint Director Of Medical And
Rural Health Services

O/o. The Joint Director Of Medical And
Rural Health Services, Krishangiri
District



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Respondent(s)

WP No. 17788 of 2025**WEB PRAYER**

calling for the records relating to the order passed by the 1st respondent vide his letter No.3975/AA2/2024 dated 18.11.2024 communicated to the petitioners vide proceedings of the 3rd respondent dated 31.1.2025 and quash the same as illegal and consequentially to direct the respondents to sanction the advance increment to the petitioners for passing the Account Test Examinations part-I within the period that may be stipulated by this Court.

WMP No. 20055 of 2025**PRAYER**

to dispense with the production of the impugned order passed by the 1st respondent vide his letter No.3975/AA2/2024 dated 18.11.2024 communicated to the petitioners vide proceedings of the 3rd respondent dated 31.1.2025 for the present

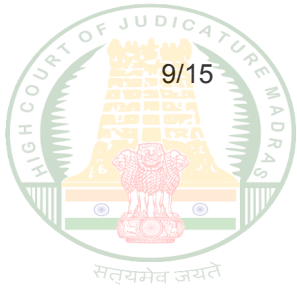
WMP No. 20056 of 2025**PRAYER**

to grant an ad interim direction to direct the respondents to sanction the advance increment to the petitioners for passing the Account Test Examination part I pending disposal of the above writ petition

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For Petitioner(s): Ms. H.Jasima Yasmin
For M/s. Ajmal Associates

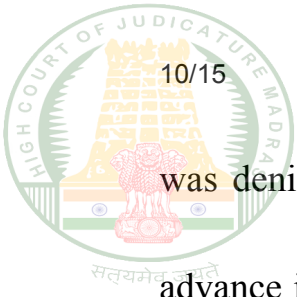
For Respondent(s): Mr.K.Tippu Sultan,
Govt.Advocate For R1 To R6

**ORDER**

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This writ petition has been filed to issue a Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent vide his letter No.3975/AA2/2024 dated 18.11.2024 communicated to the petitioners vide proceedings of the 3rd respondent dated 31.01.2025 and quash the same as illegal and consequentially, to direct the respondents to sanction the advance increment to the petitioners for passing the Account Test Examinations part-I within the period that may be stipulated by this Court.

2. The learned counsel for the petitioners would submit that the 1st petitioner was initially appointed as Typist on 02.02.2015 and his appointment has been regularised with effect from his date of initial appointment and his probation was declared on 01.02.2017. Similarly, the petitioners 2 to 4 were also appointed as Junior Assistants during 2015, 2017 and 2019 and their services have been regularised with effect from their respective date of appointment and their probation was also declared from their respective date of completion of 2 years. The learned counsel would further submit that the petitioners' increment

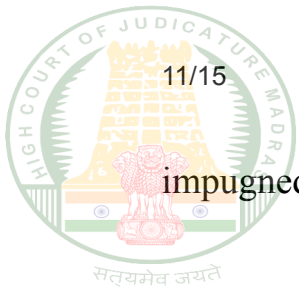


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was denied for not passing the Account Test, but on the sole ground that the advance increment proposal was sent after 10.03.2020. It is the submission of the petitioners that according to G.O (Ms) No.116 dated 15.10.2020, it only mandates that the individual has to pass the Account Test before 10.03.2020 and that it does say anything about time limit for sending of proposal . Therefore, the delay on the part of the administrative side in sending the proposal cannot be put against the petitioner.

3. The learned counsel for the petitioners would also rely upon the judgement of this Court passed in W.P (MD) No.5580 of 2025 dated 21.03.2025 and contend that similar impugned order has already been quashed by this Court and hence, prayed to allow this writ petition.

4. However, learned Government Advocate strongly objected the contention of the petitioners and would submit that though the petitioners passed the Account Test prior to 10.03.2020 as mentioned in G.O (Ms) No.116 dated 15.10.2020, the proposal was sent belatedly. Therefore, he justify the



impugned order.

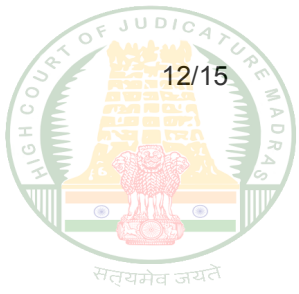
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5. I have considered the submissions made on either side and perused the materials on record.

6. While giving clarification, it was clarified that the G.O. (Ms) No.37 dated 10.03.2020 will come into force only from that day. It is the submission of the petitioners that according to G.O.(Ms) No.37, though the Government has taken policy decision not to give any increment for the individuals who have not passed the Account Test, has held that it must be given to the individuals those who have passed the Account Test before 10.03.2020, where in the case on hand, all the petitioners have passed the Account Test during 2015, 2017 and 2018.

7. The learned counsel for the petitioners would also invites the attention of this Court about the order passed in W.P No.5580 of 2020 dated 21.03.2025, wherein in para 5 and 6, this Court had observed as follows:

*5. Admittedly, in the present case, the petitioners
1 to 4 passed the Account Test on 16.03.2019, 07.08.2018,*



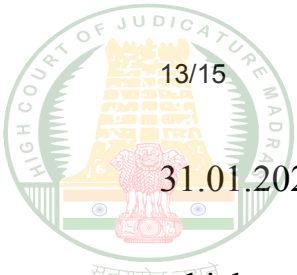
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07.08.2019 and 16.03.2020 respectively. As per the order extracted herein above passed by this Court in identical matter, the petitioners 1 to 3, who have cleared the Account Test for Subordinate Officer Part-I prior to 10.03.2020 and their applications for grant of incentive increment are pending who have not made any application are eligible for incentive increment in terms of the relevant Government Orders dehors G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV), dated 10.03.2020.

6. In view of the above, in the considered opinion of this Court, the petitioners 1 to 3 are entitled for the relief sought in this writ petition. The fourth petitioner is not entitled for the relief sought in view of the fact that he cleared the Account Test only on 16.03.2020.

8. The learned single Judge after gone into the G.O, had made a categorical observation that whenever application for grant of incentive increment are pending and the individuals who have not made any application, are eligible for incentive increment, if they have passed the Account Test before 10.03.2020. Even the petitioners herein are also similarly placed persons.

Therefore, this Court is of the firm view that the impugned order dated



31.01.2025 is contravention to the spirit of G.O (Ms) No.116 dated 15.10.220,

which contention was already approved by this Court in *Thirumalaikumar's*

case cited supra.

9. In view of the same, this Court finds that there is a force in the submissions made by the learned counsel for the petitioners.

10. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19-06-2025

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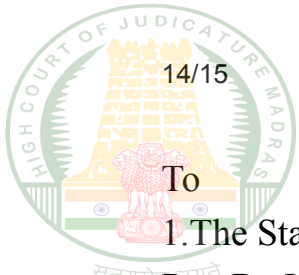
(2/2)

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Rep By Its Additional Chief Secretary To
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Health Services Department, Secretariat,
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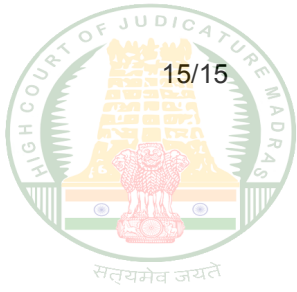
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C.KUMARAPPAN J.

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AND WMP NO. 20055
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