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W.A.No.999 of 2024



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.999 of 2024
and
C.M.P.No.7050 of 2024**

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
 - 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
 - 3.The District Educational Officer,
Coimbatore District.
 - 4.The Assistant Elementary Educational Officer,
(Now re-designated as Block Educational Officer),
Pollachi (North),
Coimbatore District.
- Appellants

versus

V.Mylsamy,
S/o.Veeranan,
Panchayat Union Middle School,
Konde Goundenpalayam,
Zamin Uthukuli Post - 642 004,
Pollachi Union,
Coimbatore District.

Respondent



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.22965 of 2019 dated 23.09.2022.

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For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondent : Mrs.Dhakshayani Reddy
Senior Counsel
for Ms.S.Suneetha

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the order of the Writ Court made in W.P.No.22965 of 2019 dated 23.09.2022.

2. The respondent who was appointed as B.T. Assistant on 27.04.2009 acquired M.A. and M.Phil (Economics) in the years 2010 and 2016. He was granted an incentive increment for the higher qualification, i.e. M.A., with effect from 29.05.2010. Though the respondent completed M.Phil in the year 2016, he was not granted any incentive increment. The grant made in the year 2010 was recalled on 26.12.2017, according to the respondent, without notice to him.



3. The order dated 26.12.2017 recalling the incentive increments granted was challenged in W.P.No.1445 of 2018. The writ petition was allowed, directing the appellants to consider the claim of the respondent in the light of G.O.(Ms.)No.324 Education, Science and Technology Department dated 25.04.1995. The respondent gave a representation seeking incentive increments. However, by the proceedings dated 13.04.2018, the fourth respondent reiterated the order dated 26.12.2017. It is this proceedings dated 13.04.2018 that was the subject matter of challenge in the writ petition.

4. The writ court found that as per G.O.(Ms.)No.324 dated 25.04.1995, the teacher qualifying higher education in any one of the subjects that is taught in the higher secondary syllabus would be entitled to incentive increments. The writ court also refused to rely upon the letter of the Director of Elementary Education dated 24.08.2016 which attempts to overwrite the relevant Government Order prevailing. On the said conclusion, the writ court quashed the impugned order and directed the grant of incentive increments. It is this order of the writ court that was the subject matter of challenge in this appeal.



5. We have heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the appellants and Mrs.Dhakshayani Reddy, learned Senior Counsel, instructed by Ms.S.Suneetha appearing for the respondent.

6. Mr.U.M.Ravichandran, learned Special Government Pleader would vehemently contend that the letter dated 24.08.2016 is clarificatory in nature and hence the respondent is not entitled to incentive increments as Economics is not a subject that is taught in primary school or in high school. He would also draw our attention to G.O.(Per)No.134 School Education (G2) Department dated 15.06.2007.

7. We have gone through G.O.(Per)No.134 dated 15.06.2007. It does not deal with incentive increments. On the other hand, it deals with promotions. The incentive increments were not the subject matter of G.O.(Per)No.134 dated 15.06.2007. Governing Government Order on the question of incentive increments was only G.O.(Ms.)No.324 dated 25.04.1995.



8. No doubt, the Government with a view to minimise of claims of incentive increments by teachers who studied irrelevant subjects issued G.O.(Ms.)No.624 Education dated 13.07.1992 within 3 years it buckled under the pressure exerted by the Associations of Government Teachers and as a result issued G.O.(Ms.)No.324 dated 25.04.1995, which expanded the scope of grant of incentive increments. The conditions imposed under G.O.(Ms.)No.624 dated 13.07.1992 were specifically withdrawn and the incentive increments were granted to all teachers who have obtained higher qualifications in the subjects that are taught in Higher Secondary course immaterial of the fact that those subjects are not taught in the primary, middle or high school level.

9. It is the Government which has to blame itself for the current situation. Of course now the Government has chosen to withdraw the entire scheme for grant of incentive increments itself, but such whether such withdrawal will be applicable only prospectively and not retrospectively is an issue that would arise. We do not see any necessity to go in to that question in this case.



10. In the case on hand, incentive increments were actually sanctioned to the respondent in the year 2010 and the same was sought to be withdrawn in the year 2017. In the light of G.O.(Ms.)No.324 dated 25.04.1995, the respondent would be entitled to incentive increments for obtaining the qualification of M.A.(Economics). Therefore, the writ court cannot be faulted for allowing the writ petition.

11. Hence, the Writ Appeal stands ***dismissed*** and the order of the writ court is sustained. The appellants will calculate the monetary benefits payable to the respondent on the basis that he had been granted incentive increments with effect from the date on which he acquired the post graduate degree in Economics and pay the same within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

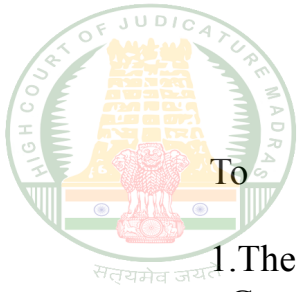
(R.S.M., J.) (G.A.M., J.)
28.03.2025

Speaking order

Index : No

Neutral Citation : No

sri



To

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