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W.A.No.855 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

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

**W.A.No.855 of 2025
and
C.M.P.No.7263 of 2025**

1.The Additional Secretary to Government
Finance (T&A 1) Department,
Fort St.George,
Chennai - 9.

2.The Director of Treasury & Accounts,
Panagal Building,
Saidapet,
Chennai - 15.

...

Appellants

versus

A.M.Adhavan,
S/o.A.Mathialagan,
Assistant Superintendent of Stamps,
General Stamp Office,
Chennai - 600 001.

...

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.9458 of 2017 dated 05.03.2024.

For Appellants : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.Azizulla Khan
Government Advocate

For Respondent : Mr.M.Muthappan



J U D G M E N T

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

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The State is aggrieved by the directions issued by the writ court requiring the appellants to grant additional incentive increments for the M.B.A. qualification possessed by the respondent pursuant to G.O.(Ms.)No.825, Personnel and Administrative Reforms (F.R.I) Department dated 06.07.1977.

2. As far as this respondent is concerned, he had joined the Government service on 31.10.2011 and acquired M.B.A. degree in 2008. The concession of incentive increments granted by G.O.(Ms.)No.825 dated 06.07.1977 was withdrawn by the Government by G.O.(Ms.)No.154 Personnel and Administrative Reforms (FR-IV) Department dated 26.10.2010. On the date when the respondent joined the Government service, i.e., 31.10.2011, the very scheme for grant of incentive increment was not in force. Therefore, the respondent cannot claim that a right vested in him has been taken away retrospectively.

3. Learned single Judge has granted the benefits based on certain earlier orders passed. The fact that the respondent joined the Government



service after the withdrawal of the scheme by G.O.(Ms.)No.154 dated 26.10.2010 has not been taken note of by the writ court. Grant of incentive increment is only a concession given by the Government and that the said concession has been withdrawn almost a year prior to the respondent joining the Government service.

4. Therefore, we find that the order of the learned single Judge cannot be sustained, as there is no withdrawal of a benefit that has accrued to the respondent.

5. Hence, this Writ Appeal stands *allowed* and the order dated 05.03.2024 is set aside and the Writ Petition in W.P.No.9458 of 2017 will stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)
27.03.2025

Speaking order

Index : No

Neutral Citation : No

sri



To

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