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Writ Petition No.625 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MR JUSTICE BATTU DEVANAND

WP No. 625 of 2019

P.K.Subramaniyan,
No.1, Chinnaya Gounder Street, Writer
Veedu,Palladam (West),
Thiruppur District- 641 664

Petitioner(s)

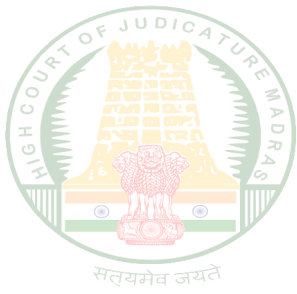
Vs

1.Govt of Tamil Nadu,
Rep. by its Secretary, Finance (LF) Department
Secretariat, Chennai 600 009

2. The Director,
Local Fund Audit, Finance Department, Compound Building, 4th Floor,
Veterinary Hospital Campus, Nandanam, Chennai 600 035

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order passed by the first respondent in Government Letter no.34346/Vu.Ni/2017-1, Finance (Local Bodies) Department dated 26.09.2017 and quash the same and consequently, direct the 2nd respondent to grant two advance increments to the petitioner with effect from 11.05.2004, the date of sitting for the last examination for MBA Degree and consequently, direct the respondents to revise his pay and pension and other retirement benefits with arrears accrued thereon.



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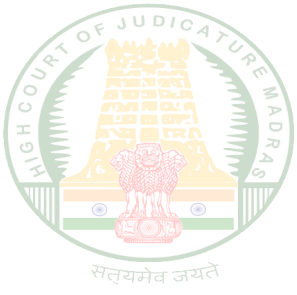
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For Petitioner : Mr.V.S.Jegadeesan for
Mr.R.Rengaramanujam
For Respondents : Mr.L.S.M.Hasan Fizal, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order passed by the first respondent in Government Letter no.34346/Vu.Ni/2017-1, Finance (Local Bodies) Department dated 26.09.2017 and quash the same and consequently, direct the 2nd respondent to grant two advance increments to the petitioner with effect from 11.05.2004, the date of sitting for the last examination for MBA Degree and consequently, direct the respondents to revise his pay and pension and other retirement benefits with arrears accrued thereon.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the entire material available on record.



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WEB COPY 3.The case of the petitioner is that the policy of the Government of Tamilnadu is to grant two advance increments to the Government servants, who had acquired Post Graduate Degree in M.B.A. If the knowledge acquired could be made use of the Department, in which, an individual who is working in the said Department. Pursuant to the policy, in Engineering Department of the State, those persons who are working as Engineers were granted two advance increments on acquiring M.B.A. Degree from the date of sitting in the last examination.

4.The learned counsel for the petitioner submits that while the petitioner was working as Deputy Director in the Local Fund Audit Department, he sought permission to pursue Post Graduate Degree and accordingly he joined in MBA Course in Annamalai University and obtained MBA Post Graduate Degree in the year 2004.

5.The learned counsel for the petitioner contends that as per the policy of the Government that was existing at the relevant point of time, the petitioner is entitled for two advance increments from the date of sitting in



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the last examination of MBA Course. He further submits that the date of sitting in the last examination of MBA Post Graduate Degree, for the petitioner's case is 11.05.2004. Accordingly, he made representations on 03.06.2005 and 02.11.2009 to the second respondent requesting for grant of two advance increments. The said representation was rejected by the first respondent vide proceedings dated 26.09.2017 on the ground that in view of the cancellation of G.O.Ms No.825, Personnel & Administrative Reforms Department, dated 06.07.2017, granting two advance increments for acquiring Post Graduate degree in MBA by virtue of G.O.Ms No.154, Personnel & Administrative Reforms Department, dated 26.10.2010, could not be considered. Being aggrieved by the proceedings dated 26.09.2017, wherein, the petitioner's claim was rejected, he has constrained to approach this Court by way of filing the present Writ Petition.

6.The learned Additional Government Pleader appearing for the respondents would submit that the Government has considered that acquiring MBA Degree by the employees is not useful for the Department and accordingly, the benefit of granting two advance increments to the employees, who obtained MBA degree vide G.O.No.154 dated 26.10.2010



has been cancelled vide G.O.No.825 dated 06.07.2017 and accordingly, the

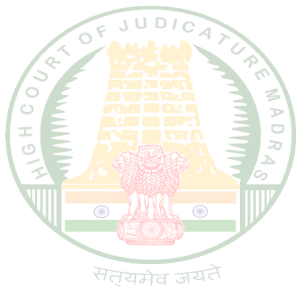
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learned counsel submits that as the Government changed its policy on this aspect, the petitioner is not entitled to claim granting of two advance increments for acquiring MBA degree and requested this Court to dismiss the Writ Petition.

7.Having heard the submissions of the respective counsels and on careful perusal of the material available on record, the only issue to be considered in this Writ Petition is whether the petitioner is entitled for two advance increments for acquiring MBA Degree or not?

8. The learned counsel for the petitioner, to substantiate his claim has placed reliance upon the order of this Court passed in WP.No.18674 of 2011 dated 23.07.2013. On a perusal of the same, it appears that the issue involved in this Writ Petition is no longer *res-integra*. The relevant portion of the said order as found in paragraphs 8 to 11, is extracted hereunder:

“8. However, it is submitted by the respondents that G.O.Ms.No.154, Personnel and Administrative Reforms (FR-I) Department, dated 26.10.2010, was passed cancelling G.O.Ms.No.825, Personnel and Administrative Reforms



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(FR-I) Department, dated 6.7.1977, that granted advance increments for acquiring MBA degree. Hence, the petitioners are not entitled to claim advance increment.

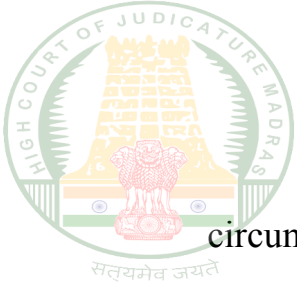
9. I am not inclined to agree with the submissions made by the learned counsel for the respondents, since all the petitioners acquired the MBA qualification before 2009 itself and the persons, who are similar like that of the petitioners, were granted two advance increments.

10. It is well settled that G.O.Ms.No.154, dated 26.10.2010 cannot take away the accrued right of the petitioners, who acquired MBA Degree before 2009 itself and therefore, the said GO would only operate prospectively.

11. For all above reasons, a direction is issued to the first respondent Board to grant two advance increments to the petitioners, from the date on which they acquired MBA qualification, with all monetary benefits. The first respondent is directed to pay the arrears within a period of six weeks from the date of receipt of a copy of this order.

In the above terms, the writ petitions are disposed of.
No costs."

9. In the considered opinion of this Court, the order relied on by the learned counsel for the petitioner is fairly applicable to the facts and



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circumstances of the present case and it is brought to the notice of this

WEB COURT that no Appeal was preferred against the above said order and it has become final.

10.In view of the above factual position, this Court is fully agreeing with the findings in the said order and by following the said order, this Court is inclined to allow this Writ Petition.

11.Accordingly, this Writ Petition is allowed with a direction to the first respondent to grant two advance increments to the petitioner from the date on which he acquired MBA Degree, with all monetary benefits within a period of eight(8) weeks from the date of receipt of a copy of this order.

No costs.

28.01.2025

Index : Yes/No
Speaking order: Yes/No
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To
1. Govt of Tamil Nadu,
Rep. by its Secretary, Finance (LF) Department
Secretariat, Chennai 600 009

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2. The Director,
Local Fund Audit, Finance Department, Compound Building, 4th Floor,
Veterinary Hospital Campus, Nandanam, Chennai 600 034

BATTU DEVANAND, J

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