



W.P.(MD) No.1883 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDH

W.P.(MD) No.1883 of 2022

and

W.M.P.(MD) Nos.1622 & 1623 of 2022

M.S.Ravichandran

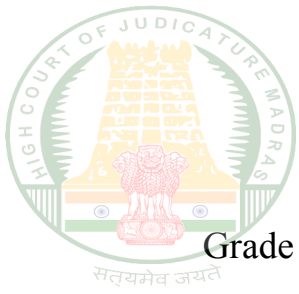
... Petitioner

Vs.

- 1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Pudukottai District,
Pudukottai.
- 2.The District Educational Officer,
O/o. The District Educational Office,
Pudukottai District,
Pudukottai.
- 3.The Principal/Head Master,
Government Model Higher Secondary School,
Pudukottai,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent *vide* his proceedings in न.क.गण.57/अ/2021 dated 23.10.2021 and quashing the same as illegal and consequently directing the respondents to grant Super



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Grade increment on completion of 30 years of service in the post of P.G. Assistant (Botany) with all other consequential benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus, calling for the records related to the impugned order passed on 23.10.2021 by the third respondent in his proceedings bearing ந.க.எண்.57/அ/2021, quashing the same as illegal and consequently directing the respondents to grant the Super Grade increment upon the completion of 30 years of service in the post of P.G. Assistant (Botany), along with all other consequential benefits, within a period to be stipulated by this Court.

2. The petitioner is a retired P.G. Assistant who served continuously for a period of 30 years in the post of P.G. Assistant (Botany). The Government provides a Super Grade increment to those persons who have continuously worked in the same post for 30 years. Therefore, the

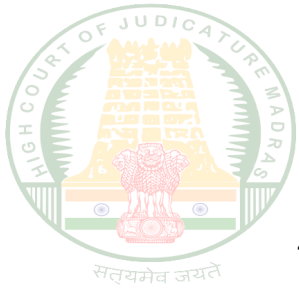


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petitioner made a request for the grant of the Super Grade increment for his continuous service as P.G. Assistant (Botany) for 30 years. However, this request was denied on the grounds that the petitioner was promoted as Headmaster and served as Headmaster, and subsequently relinquished the post and he is not entitled to the Super Grade increment, which is granted for 30 years of continuous service in the same post.

3. The learned counsel for the petitioner, by relying on the order of this Court dated 10.04.2023 passed in the case of ***M.Arockiasamy Vs. The Principal Accountant General (A&E) and others***, in W.P.(MD) No. 6310 of 2016, submits that in a similar matter, this Court has held as under:

9. Moreover, relinquishing promotion is not alien to service jurisprudence. The employee is entitled to relinquish promotion and the same is applicable for 3 years. When relinquishment is not alien, when relinquishment is permissible under rules, then such a condition cannot be imposed as well. Therefore, for all these reasons, the impugned order is quashed. The respondents are directed to confer 30 years stagnation increment to the petitioner. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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4. Admittedly, the petitioner has served as a P.G. Assistant for a period of 30 years, excepting one day in the capacity of Headmaster. The promotion, which was granted to the petitioner, was subsequently relinquished. His service as Headmaster for just one day cannot be a valid ground to deny recognition of his full 30 years of service as P.G. Assistant (Botany). Therefore, this Writ Petition is liable to be allowed.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

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Pudukottai.
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B.PUGALENDH, J.

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