



W.P.(MD)No.3235 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.3235 of 2019

and

W.M.P.(MD)No.2523 of 2019

J.Packiamary

... Petitioner

Vs.

1.The Principal Accountant General (A & E),
No.361, Anna Salai, Chennai-600 018.

2.The Director,
Adi-Dravidar Welfare Department,
Chennai-600 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in No.P16/3/11624572/ADK dated 09.01.2019 and quash the same and direct the respondents to sanction the terminal benefits and full pension to the petitioner.

For Petitioner : Mr.V.Panneerselvam

For R1 : Mr.P.Gunasekaran

For R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.



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ORDER

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This writ petition has been filed seeking orders to quash the order passed by the first respondent in his proceedings in No.P16/3/11624572 / ADK dated 09.01.2019 and direct the respondents to sanction the terminal benefits and full pension to the petitioner.

2.It is stated in the affidavit that the petitioner was appointed as Secondary Grade Teacher on 20.08.1984 at R.C. Middle School, Aranthangi, Pudukkottai District. She was worked in the above said School till 31.05.1985. Thereafter, she was appointed as Secondary Grade Teacher on 01.08.1985 at Christhuraja Middle School, Pudukkottai District, wherein, she worked till 01.12.1987. The above said two Schools are Minority Schools, which are running by RC management. While so, she was working in the above said School, she got appointment in Government High School, Perumarudhur, Pudukkottai District as B.T.Assistant. She was relieved from the said School on 01.12.1987 and joined in the Government High School on 02.12.1987. Thereafter, she was appointed as Secondary Grade Post on 21.07.1989 in the permanent sanctioned post and posted at Government High School, Nagudi, Pudukkottai District. While so, in the year 1992,



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she completed M.Sc. As per scheme, one set of incentive increment for the higher qualification of M.Sc., was sanctioned on 31.12.1992.

Thereafter, she passed M.Ed., in the year 1993, for which, she has been obtained second set of incentive increment. Since the petitioner was qualified for the post of P.G.Assistant, she was promoted as P.G.Assistant on 19.01.1994 and posted at Government Higher Secondary School, Veeraganoor, Salem District and she continued as P.G.Assistant till 02.06.1994. As far as P.G.Assistant appointment, she obtained only one set of increment. That be so, connecting the different service without application of mind and passing the order, as if the petitioner has received three sets of incentive increment in the same service, is totally illegal. Hence, this writ petition.

3.The learned Additional Government Pleader appearing for the second respondent would submit that the issue involved in this writ petition has already been deal with by this Court in WA.No.1664 of 2016 dated 29.06.2018 and subsequently, the Division Bench of this Court has been followed the above decision in W.A.No.3674 of 2019 dated 10.10.2022.



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4.The Division Bench of this Court in W.A.No.3674 of 2019 vide

judgment dated 10.10.2022 has observed as hereunder:-

2. Upon a reference being made, the Full Bench had answered the issue concluding that the judgment of the Division Bench in WA.No.1664 of 2016 dated 29.06.2018 reflects the correct position of law. After considering the various Government Orders issued on the subject, the Full Bench had observed as follows:

“12.A perusal of the above order puts the issue beyond pale of doubt that as per the policy of the Government, a teacher for the entire period of his/her service shall be granted two incentives (four increments) only. Therefore, there cannot be any dispute regarding the fact that a Secondary Grade Teacher or B.T.Assistant or Post Graduate Teacher during the entire period of service as a teacher, is entitled to get only two incentive increments. Taking note of the same only, the Division Bench in W.A.No.1664 of 2016 dated 29.06.2018 (The Director of School Education and others v. V.Dhanapal) has categorically held that the acquisition of an M.Phil. qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.No.1024, Education, Science and Technology Department, dated 09.12.1993 restricting the number of incentive



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increments to two and therefore, any teacher is not entitled to a third incentive increment.”

3.An attempt is made by Mr.Sasidharan and Mr.Ganesan, appearing for some of the teachers to contend that those teachers who have obtained the additional qualification prior to 09.12.1993, namely the date on which G.O.Ms.Nos.1023 and 1024 came to be issued would be entitled to incentive increments, since the number of increments was limited only by the said two Government Orders. We are unable to accept the said contention of the learned counsel appearing for some of the respondents because the Full Bench has categorically held that any teacher during the entire period of his/her tenure would be entitled only to two sets of incentive increments.

5.The Hon'ble Full Bench has categorically held that any Teacher during the entire period of his/her tenure would be entitled only two sets of increments. In view of the above, the petitioner is not entitled for the relief sought for in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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To

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Chennai-600 018.
- 2.The Director,
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Chennai-600 005.

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