



W.P.(MD).No.15013 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15013 of 2018

and

W.M.P(MD) Nos.17461, 17088 and 13551 of 2018

Dr.V.Ramanathan
Associate Professor (Retired)
No.4, Chitrakala Colony,
Mani Cross Street,
Thirunagar, Madurai – 625 006,
Madurai District.

... Petitioner

Vs.

1. The Accountant General of Tamilnadu,
Office of the Accountant General,
361, Anna Salai, Teynampet,
Chennai – 600018.
2. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai – 600 025.
3. Thiagarajar College of Engineering,
Represented by its Chairman & Correspondent,
Madurai – 625 015.
4. The Principal,
Thiagarajar College of Engineering,
Madurai – 625 015.



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5. The Treasury Officer,
District Treasury Office,
Madurai District,
Madurai – 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent herein in No.B/2018/dated 26.06.2018 re-fixing petitioner's salary and ordering recovery of Rs.7,61,751/- (Rupees Seven Lakhs Sixty One Thousand and Seven Hundred and Fifty One only), quash the same, further direct the respondents herein to disburse the monthly pension and other retiral benefits to the petitioner from 01.06.2017 onwards as per the sanction order issued by the first respondent herein vide proceedings No.Pr AG (A&E)/PEN/ P25/ 12514764/2/ R2514764/263, dated 21.03.2017.

For Petitioner : Mr.E.V.N.Siva

For R1 : Mr.P.Gunasekaran

For R2 & R5 : Mr.T.Amjadkhan
Government Advocate

For R3 and R4 : Mr.K.Ragatheesh Kumar
for M/s. Issac Chamber

ORDER

The present Writ Petition has been filed by the retired Associate Professor of Private Aided Engineering College, challenging the order,



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wherein three advance increments (non-compounded) granted to the writ petitioner for acquiring Ph.D. degree has been cancelled.

2. The petitioner herein, who was working as an Associate Professor in the fourth respondent college had acquired Ph.D. degree on 07.06.2012. For acquisition of such Ph.D., degree, he was awarded with three advance increments (non-compounded) with effect from 07.06.2012.

3. All India Council for Technical Education (AICTE) had issued a clarification with regard to 6th CPC pertaining to Qualifications, Pay Scales, Service Conditions, Career Advancement Schemes (CAS)/ Promotions etc., for Teachers and other Academic Staff of Technical Institutions (Degree/ Diploma) 2020. This clarification was issued on 29.05.2020. As per clarification No.4, if the candidate has acquired Ph.D. degree after 04.01.2016 he would not be eligible for three advance increments. The Government of Tamil Nadu, Higher Education (C2) Department has issued a Letter No.257, dated 05.10.2023, clarifying that those advance increments cannot be paid for those candidates who acquired Ph.D. degree after 05.05.2010. Based upon the said clarification issued by the Government of Tamil Nadu, Audit objections



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were raised and the College Authority had issued the present impugned order seeking to recover the three advance increments granted to the writ petitioner on the ground that the petitioner has acquired Ph.D. degree only on 07.06.2012. This order is put to challenge in the present Writ Petition.

4. According to the learned counsel appearing for the writ petitioner, as per AICTE clarification, a candidate would not be eligible for three advance increments, if he acquires Ph.D. degree after 04.01.2016. However, the petitioner having acquired Ph.D. degree prior to the said cut off date, he is eligible to receive the three advance increments. However, the Government of Tamil Nadu had fixed the cut of date i.e., on 05.05.2010, for not granting three advance increments. In fact, the said clarification has been issued by the State Government only on 05.10.2023. The petitioner has attained superannuation on 31.05.2017 itself.

5. It is clear that the order impugned in the writ petition seeking to cancel the excess advance increments has been issued one year after the date of retirement. In the clarification issued by the State Government on 05.10.2023, in clause No.2, when clarification was sought for with regard to



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the recovery of the amount already paid, it has been clarified that the recovery shall not be made from the retired employees or those who have received excess amount for more than five years.

6. In the present case, the petitioner has retired on 31.05.2017 and the recovery order has been passed on 26.06.2018. That apart, the petitioner was receiving incentive increment right from 2012 till his retirement and the order of recovery has been passed after more than five years from the initial date from which the incentive increments were paid.

7. The learned counsel appearing for the petitioner on instructions, submits that the petitioner has no objection whatsoever for re-fixation of the salary for the pension based upon the cancellation of the three advance increments. However, his grievance is only with regard to the recovery sought to be made for a sum of Rs.7,61,751/- (Rupees Seven Lakhs Sixty One Thousand Seven Hundred and Fifty One only). This amount has been retained by the Department and the balance amount has already been disbursed to the writ petitioner. It is not in dispute that the petitioner has already received the pensionary benefits based upon the revised pay scale.



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8. In view of the above said deliberations, this Court confirms the cancellation of the three advance increments. However, the recovery is bad in the eye of law. Hence, the authorities are directed to refund the sum of Rs.7,61,751/- (Rupees Seven Lakhs Sixty One Thousand Seven Hundred and Fifty One only) which is retained by them. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observation, this Writ Petitions stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

31.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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