

W.P.(MD) No.23280 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 28.07.2025

Pronounced On : 08.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.23280 of 2017

D.Nahomi Kasthuri
W/o.Sundar Singh,
No.1261-L, Maharaja Nagar,
KTC Nagar North,
Tirunelveli District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Finance Department,
Secretariat, Chennai – 9.

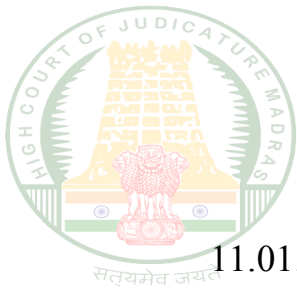
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

3. The Secretary,
Sarah Tucker College,
Perumalpuram,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER in W.P.:

To issue a writ or order or direction more in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in O.Mu.No.3773/A3/2015 dated



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11.01.2017 and quash the same and consequentially direct the respondents to pay all service and monetary benefits as fixed by the second respondent earlier in Mu.Mu.No.A3/7795/2014 dated 10.10.2014 and pass such other as this Court may deem fit to the facts and circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : M/s.H.Arumugam, S.Satheesh Kumar,
N.Vignesh and V.S.Rishikesh, Advocates

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R2

R3 - No Appearance

J U D G M E N T

Heard.

2. The petitioner, in the present case, seeks a refund of Rs.28,092/-, which was deducted from her salary by the officers of the second respondent.

3. The petitioner was appointed as a Record Clerk on 21.07.2009 in the third respondent aided minority college and was later promoted as a Junior Assistant on 01.09.2016. She was granted two incentive increments on 10.10.2014 for acquiring higher educational



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qualifications. Subsequently, the first respondent Government issued G.O.(Ms) No. 241, Finance Department (Pay Cell), dated 22.07.2013, deciding that such incentive increments would not be admissible to non-teaching staff. In consequence, a recovery of Rs.28,092/- was effected from the petitioner's salary and credited to the Government account on 09.03.2017.

4. The petitioner challenged the said recovery in the present writ petition, which, when taken up for admission on 20.12.2017, notice was accepted by the contesting respondents. On behalf of respondents 1 and 2, a counter affidavit dated 03.02.2025 was filed by the second respondent. Paragraphs 6 and 7 of the said counter affidavit read as follows:-

“6. It is humbly submitted that, based on the clarifications issued in the above Government Letter and since the petitioner is entitled for higher qualification incentive increments, the petitioner herein was granted two incentive increments for acquiring higher qualification vide Mu.Mu.No.10782/B3/2019 dated 18.02.2020 of the 2nd respondent herein.

Further, as per the instruction in the Government orders the fact of sanctioning of two incentive increment to the petitioner for acquiring higher qualification, was sent to the Government for getting concurrence.

7. It is humbly submitted that, the plea of the petitioner was already fulfilled by the 2nd respondent's letter



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Mu.Mu.No.10782/B3/2019, dated 18.02.2020. The said proceedings was duly served to the petitioner herein.”

5. In view of the above, since the issue has been resolved by respondents 1 and 2, no further orders are required in this matter. Accordingly, the writ petition is disposed of by recording the statement made by the second respondent on behalf of respondents 1 and 2. There shall, however, be no order as to costs.

08.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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Copy to

1. The Secretary to Government,
Finance Department,
Secretariat, Chennai – 9.
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
W.P. (MD) No.23280 of 2017

08.08.2025