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W.P.No.2975 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.2975 of 2020

M.Zakirhussain

... Petitioner

vs

1.The Secretary to the Government of Tamilnadu
Personal and Administrative reforms Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The Joint Secretary to the Government of Tamilnadu
School Education Department
Secretariat, Fort St.George, Chennai – 600 009.

3.The Director, Department of Public Library
737/1, Anna Salai, Chennai -2.

4.The District Library officer,
Dharmapuri – 637 701.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus by quashing the 2nd respondent Government Letter No.19229/P.L.1/2013 dated 16.08.2018 consequently the 4th respondent's letter Na.Ka.No.161/A1/2019, dated 23.04.2019 and directing the respondents 1 to 4 to grant the incentive amount which is equal to two increment



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i.e., Rs.540/- (instead of Rs.270/-) to the petitioner arrears from 02.07.2010 within a stipulated period of time.

For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.L.S.M.Hasan Fizal, AGP for R1.
Mr.P.Raja Rajeswari, GA for R2 to R4.

ORDER

Heard the learned Counsel for the petitioner, the learned Additional Government Pleader for R1 and the learned Government Advocate for R2 to R4 and perused the records.

2. The case of the petitioner in brief is that he had joined the service as Librarian on 26.10.2006 and after joining the service by obtaining necessary permission he had perused Post Graduation qualification i.e., M.L.I.Sc in the year 2010; that on acquiring P.G. qualification of M.L.I.Sc., he is entitled for being granted one incentive increment as per GO.Ms.No.1184 Education Department dated 01.09.1989; that he had approached the respondents authority and submitted his representation dated 23.12.2017 seeking for grant of incentive increment; and that the respondents by impugned proceedings dated 23.04.2019, rejected the claim of the petitioner for grant of one incentive increment.



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3. Counter affidavit filed on behalf of the respondents is filed.

4. The respondents by the counter affidavit contended that GO.Ms.No.1184 dated 01.09.1989 was issued 30 years back and that the petitioner had submitted his request for grant of one incentive increment 8years after securing M.L.I.Sc degree; that the request for incentive increment is made 8 years, after acquiring P.G.degree, the request of the petitioner cannot be considered, as the same would amount to retrospective sanction.

5. The respondents by the counter affidavit also contended that belated claim due to passage of time cannot be considered as held by the Hon'ble Apex Court in its order dated 12.03.2018 in CA.No.2763/2018 in SLP(c).No.1118 of 2018, contending as above, the respondents seeks to sustain the impugned order.

6. I have taken note of the respective contentions urged.

7. Admittedly, GO.Ms.No.1184 dated 01.09.1989 is still in force and is not been withdrawn or rescinded. Thus, the aforesaid GO continues to be in force.



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Further, a reading of the aforesaid GO indicates that on acquiring higher qualification one incentive increment would be given. The acquiring of M.L.I.Sc, is definitely higher qualification and will help to improve the efficiency of Librarians.

8. Further, there is no time limit mentioned in the aforesaid GO in order to claim the incentive increment for acquiring qualification of master degree in Library Science. That being so, since, the fact of the petitioner acquiring M.L.I.Sc in the year 2010 is not in dispute, the mere fact of the petitioner approaching the respondents and requesting for grant of one incentive increment under GO.Ms.No.1184 dated 01.09.1989, in the year 2017 (i.e) after 7 years from the date of acquiring cannot be put against him in order to deny of said benefit, more particularly, in the absence of the GO indicating any time limit within which an eligible candidate is required to approach seeking for grant of said incentive.

9. Further, insofar as reliance placed by the respondents in the counter affidavit on the decision of the Hon'ble Apex Court is concerned, it is to be noted that the facts of the said case are totally different from the facts under



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consideration. The Hon'ble Apex Court in the aforesaid case was considering a claim for retrospective promotion, while the petitioner in the present case is only seeking for grant of one incentive increment under GO.Ms.No.1184 dated 01.09.1989. Thus, the reliance placed by the respondents in the counter affidavit on the decision of the Hon'ble Apex Court is out of context and is irrelevant.

10. Though, the respondents by the counter affidavit contended that the GO.Ms.No.1184 dated 01.09.1989 has been clarified by the respondents vide GO letter No.19229/P.L.I/2013 dated 16.08.2018, firstly, it is to be noted that the clarification letter cannot be override or overreach the GO. [See - (i) **2005 (10) SCC 244 – R.P.Bharadwaj V. Union of India and others** (ii) **2004 SCC Online MAD 571 - P.Jeya V. Union of India and others** and (iii) **Unreported judgment of this Court in WP.No.1713 of 1988 dated 07.11.1990]**

11. Since, the petitioner who had joined service on 26.10.2006 had acquired higher qualification of Master degree in Library Science in the year 2010, would be eligible for being granted one incentive increment under the GO.Ms.No.1184 dated 01.09.1989. Thus, this Court is of the view that the



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impugned proceedings dated 23.04.2019, by which the claim of the petitioner is rejected cannot be sustained. Accordingly, the impugned proceedings is liable to be set aside.

12. Further, it is also to be noted that so called clarification on which the respondents rely, is subject to petitioner submitting a representation seeking for grant of one incentive increment and based on the said clarification the claim of the petitioner cannot be rejected.

13. In the result, this writ petition is allowed; the impugned order dated 23.04.2019 is set aside and the respondents are directed to grant one increment to the petitioner for acquiring higher qualification viz., M.L.I.Sc w.e.f. from the date he had acquired the said higher qualification, within a period of 12 weeks from the date of receipt of a copy of this Order. No order as to costs.

10.03.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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