

**(2010) 09 MAD CK 0025**

**In the Madras High Court**

**Case No : Writ Petition No. 43963 of 2006**

R. Irudayaraj

APPELLANT

Vs

The District Elementary, Educational Officer and The Assistant  
Elementary, Educational Officer

RESPONDENT

**Date of Decision : 20-09-2010**

**Acts Referred:**

**Citation : (2010) 09 MAD CK 0025**

**Hon'ble Judges : D. Hariparanthaman, J**

**Bench : Single Bench**

**Advocate : P. Mohan Raj, for the Appellant; Lita Srinivasan, Government  
Advocate, for the Respondent**

**Final Decision : Allowed**

## **Judgement**

D. Hariparanthaman, J.—The Petitioner is a senior to one Mr. Sundaram. The Petitioner was given incentive increment for acquiring higher

qualification. However, when the pay was revised, the pay of the Petitioner as well as his junior became the same. Thereafter, his junior obtained

higher qualification and he was also awarded incentive increment. Thus the junior got more pay. But, the pay of the Petitioner was not enhanced.

2. The grievance of the Petitioner is that the incentive increment given to him was sought to be recovered on the ground that the incentive

increment given to his junior was cancelled as the same was given based on getting a degree through open university.

3. The learned Counsel for the Petitioner states that thereafter the Government issued G.O.(Ms). No. 29, School Education Department, dated

17.02.2006 recognising the decree issued by the Open University for grant of incentive increments and in view of the aforesaid G.O.(Ms). No. 29,

the junior was again granted the incentive increment. Hence, there is no question of excess pay to the Petitioner.

4. In the aforesaid circumstances, the impugned order sought to recover the excess pay from the Petitioner has to be quashed. Accordingly,

the impugned order is quashed and the Writ Petition is allowed. No costs.