



W.P.No.8922 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 06.07.2026

Pronounced on : 10.07.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.8922 of 2019
and WMP.Nos.9479 & 9481 of 2019

Tmt.S.Chandra,
Section Officer (Retd.),
Energy Department,
Secretariat, Chennai – 600 009.

... Petitioner

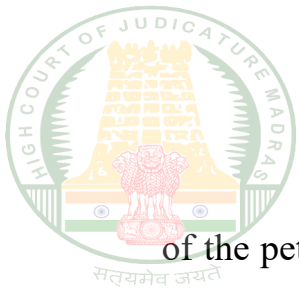
vs

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai – 600 009.

2. The Secretary to Government,
Energy Department,
Secretariat, Chennai – 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Letter No.13313/U.Spl./2017-5, P & AR (U.Spl.) Department, dated 27.11.2018 and quash the same and consequently to direct the first respondent to consider the case



W.P.No.8922 of 2019

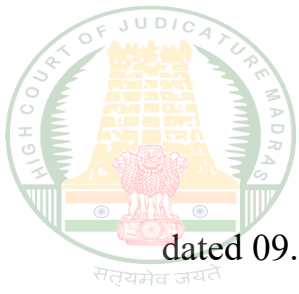
of the petitioner for stepping up of pay on par with her junior Thiru.R.Ayyavoo in Finance Department in the light of the orders issued in G.O.(Ms).No.112, P&AR dated 13.07.2012 and also the orders issued to Tmt.S.Saraswathy in G.O. (Ms).No.98, Environment and Forests (OP.I) Department dated 09.08.2017, within a reasonable period.

For Petitioner : Mr.S.N.Ravichandran
for Mr.T.Ranganathan
For Respondents : Mrs.Y.Kavitha
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the records.

2. The petitioner by the present writ petition has assailed the action of the first respondent in issuing the proceedings dated 27.11.2018 rejecting her claim for being promoted to the post of Under Secretary to Government and to consider the case of the petitioner for stepping up of pay on par with her junior Thiru.R.Ayyavoo in Finance Department in the light of orders issued in G.O.Ms.No.112, P&AR dated 13.07.2012 and also the orders issued to Tmt.S.Saraswathy in G.O.Ms.No.98, Environment and Forests (OP.I) Department



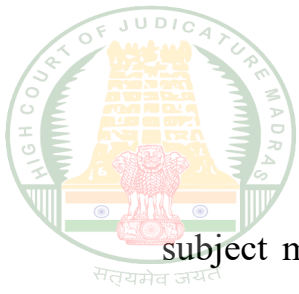
W.P.No.8922 of 2019

dated 09.08.2017.

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3. Briefly put the case of the petitioner is that after initially being selected as Typist on 15.12.1982 by TNPSC through the employment exchange to the Tamil Nadu Secretariat Service, her services were regularized from 25.06.1984; and that on conversion of her post as Assistant on 01.08.1992, she was granted promotion as Assistant Section Officer on 15.12.1994 and then as Section Officer on 07.12.2007, became eligible for promotion as Under Secretary to Government in the panel year 2010-2011; and that she had retired from service as Section Officer on attaining the age of superannuation on 31.05.2017.

4. It is the further case of the petitioner that she, along with other candidates who were selected, belongs to “One unit” and are governed by the Tamil Nadu Secretariat Service Rules”; that the Government noticing anomaly in pay within employees in one unit had issued various Government Orders from time to time, namely, G.O.Ms.No.126 P & AR Department, dated 29.05.1998, G.O.Ms.154 P & AR Department, dated 30.10.2009 and G.O.Ms.No.112 P&AR Department, dated 13.07.2012; that G.O.Ms.No.112 dated 13.07.2012 was the



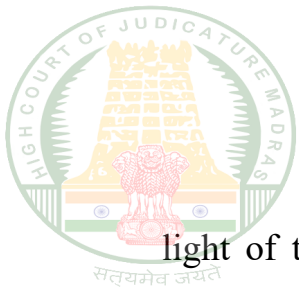
W.P.No.8922 of 2019

subject matter of challenge before this Court in W.P.No.25556 of 2013 filed by

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Tmt.S.Saraswathy; that the said writ petition was allowed by this Court setting aside paragraph No.6 of the G.O; that the said order was upheld by the Division Bench of this Court by dismissing the Writ Appeal filed by the Government and on the Special Leave Petition filed before the Supreme Court being dismissed, the Government issued orders in G.O.Ms.No.88, P&AR Department, dated 26.08.2016 in respect of Tmt.S.Saraswathy, who is junior to the petitioner and granted a step up of pay as Joint Secretary to Government.

6. It is the further case of the petitioner that when the respondents failed to extend similar benefit as granted to the junior, she had approached this Court by filing writ petition vide W.P.No.10073/2017 to consider her claim for step up of pay on par with her junior Tmt.S.Saraswathy as Under Secretary to Government, in accordance with the order issued in G.O.Ms.No.112 P&AR Department, dated 13.07.2012; that the petitioner may be given promotion on par with her junior from the said date in the light of the order passed in Writ Petition; that this Court by order dated 24.04.2017 in W.P.No.10073 of 2017 directed the first respondent to consider the representation dated 10.04.2017 submitted by the petitioner in the



W.P.No.8922 of 2019

light of the orders already passed by this Court, which had attained the finality within a reasonable time; that the first respondent contrary to the directions issued by this Court had issued impugned proceedings on the ground that the petitioner was overlooked for the promotion to the post of Under Secretary as she did not possess the educational qualification prescribed in the Special Rules for Tamil Nadu General Service in the pattern prescribed under Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016; and thus, the claim of the petitioner of comparing herself with Tmt.S.Saraswathy is not feasible for compliance.

7. Petitioner contends that the ground of rejection of her representation by the first respondent is arbitrary, improper, illegal and contrary to the Government orders issued in G.O.Ms.No.112 dated 13.07.2012 and therefore, the impugned proceeding is liable to be quashed.

8. Per contra, the learned Government Advocate appearing on behalf of the respondents submitted that neither Tmt.S.Saraswathy nor Thiru.R.Ayyavoo, whom the petitioner claims as juniors to her are not juniors but are in fact seniors



W.P.No.8922 of 2019

to the petitioner.

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9. The learned Government Advocate submits that while the petitioner was selected and joined the service as Typist on 15.12.1982, Thiru.R.Ayyavoo had joined the service as Typist on 04.01.1982 and thus, he is senior to the petitioner in the post.

10. The learned Government Advocate submits that similarly Tmt.S.Saraswathy, who had challenged the G.O.Ms.No.112 earlier, was appointed as Typist on 25.03.1978 and thus, both the said employees are seniors to the petitioner and the petitioner cannot claim them to be her juniors, having been granted promotion and drawing higher emoluments than her.

11. The learned Government Advocate further submits that for the post of Under Secretary, the required educational qualification is Bachelor degree, as introduced from 16.12.2011 by way of an amendment issued to Clause – XII of Special Rules for Tamil Nadu General Service *vide* G.O.Ms.No.92, Personnel and



W.P.No.8922 of 2019

Administrative Reforms (C) Department, dated 20.06.2012; that the petitioner does not possess a bachelor degree and as such, has not been included in the regular panel for the year 2011-2012 for the post of Under Secretary to Government.

12. On behalf of the respondents, it is contended that on 01.09.2010, viz., the crucial date for the preparation of panel of Under Secretary to Government for the year 2011-2012, the petitioner had not acquired a bachelor degree as per G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009 and the subsequent clarification dated 03.12.2010; that the petitioner's educational qualification was in the pattern of (11) SSLC+ 0+3 (degree); that for the said reason, her name was not included in the panel; that against the non-inclusion, the petitioner approached this Court in W.P.No.25797 of 2013 and obtained orders in her favour; that the respondents/State, aggrieved by the stay order in the writ petition, had filed an appeal *vide* W.A.No.643 of 2017 and obtained the stay and based on the order of stay passed by this Court in W.A.No.643 of 2017, the petitioner was not promoted as Under Secretary to Government; and that the petitioner in the meantime had retired from service as Section Officer on 31.05.2017 on attaining the age of superannuation.



W.P.No.8922 of 2019

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13. The respondents by the counter affidavit further contended that the employees with whom the petitioner is comparing herself and claiming them as juniors to her were recruited at different levels and taken different promotional trajectories and as such cannot be compared with each other; and that the petitioner, though initially recruited as Typist, took conversion as Assistant in the year 1992 and secured promotion as Assistant Section Officer in December 1994 and as such, she cannot claim parity with either Tmt.S.Saraswathy or Thiru.R.Ayyavoo, who were recruited as Typists and secured promotion to the post of Assistant Section Officer from Typist.

14. Contending as above, the respondents seek for dismissal of the writ petition.

15. I have taken note of the respective contentions as urged.

16. Insofar as the issuance of G.O.Ms.No.126, G.O.Ms.No.171, G.O.Ms.No.154 and G.O.Ms.No.112 are concerned, this Court had an occasion to

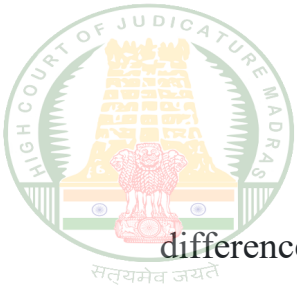


W.P.No.8922 of 2019

consider the applicability of the aforesaid Government Orders to the various categories of recruitment undertaken by the respondents, in the form of Assistant, Personal Clerk/Typist and also the claim regarding one unit, in writ petitions *vide* W.P.Nos.7318, 7532 & 9420 of 2021 and by order dated 27.02.2026 dismissed the writ petitions.

17. This Court, while dismissing the challenge in the said writ petitions, wherein also the petitioner's claim for stepping up of pay and seeking parity on the lines of the benefits granted to Tmt.S.Saraswathy on the basis of the order passed by this Court in W.P.No.25556 of 2013, also noted a decision of a Co-ordinate Bench of this Court dated 27.09.2024 in W.P.Nos.15269, 16906 of 2020, whereby G.O.Ms.No.110 dated 09.09.2020 was upheld.

18. This Court in the aforesaid writ petition had also noted that what Government envisaged as "one time" and "another one time" was sought to be converted into "never ending" process on account of claiming a step up of pay and parity over one category of recruitment with another category of recruitment merely on the basis of being categorized as "one unit" without having regard to the



W.P.No.8922 of 2019

difference in the selection process.

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19. In the facts of the present case, though the petitioner was selected as Typist in 1982 and on her services being regularized in 1984, she did not continue as Typist but instead moved over to work as Assistant and thus, joined the league of Assistant. The petitioner having moved away to join the league of Assistant however seeks parity with Thiru.R.Ayyavoo and Tmt.S.Saraswathy based on her initial selection i.e., Typist, notwithstanding that on her conversion as Assistant, she had given up her seniority among the Typist.

20. Further, the petitioner having been recruited and joined the service on 15.12.1982 and her services being regularized as per her own admission from 25.06.1984 cannot claim of either Thiru.R.Ayyavoo, who was appointed as Typist and drawn to work in the Finance Department, being junior to her, as the said Ayyavoo's initial appointment as Typist was on 04.01.1982. Similarly, the claim of the petitioner of Tmt.S.Saraswathy being junior is also unfounded as this Court in W.P.No.25556 of 2013 and also in other connected writ petitions, noted that Tmt.S.Saraswathy had joined service as Typist on 25.03.1978.



W.P.No.8922 of 2019

WEB COPY 21. Thus, neither January 1982 nor March 1978 can be considered as subsequent to December 1982 for the said candidates to be considered as juniors to the petitioner. Since, the claim of the petitioner is based on wrong premise, this Court finds that the writ petition is liable to be rejected. The petitioner while claiming that said two persons named in her affidavit to be juniors, nowhere mentioned the details as to when the said two persons joined the service, while seeking the relief of Certiorarified Mandamus, and wanted this Court to cause rowing enquiry to support the case of the petitioner.

22. It may also not be out of place to mention that a Co-ordinate Bench of this Court while dismissing the writ petitions *vide* W.P.Nos.15269 & 16906 of 2020, in a challenge to G.O.Ms.No.110 dated 09.09.2020, had noted that “mischief that is being played by some of the employees, who are working in the Secretariat, while issuing Government Orders from time to time, thereby making recurrent claims for upgradation of pay/ post parity from time to time.” The challenge in the present writ petition would have to be considered as part of the said mischief.

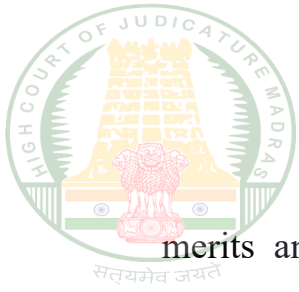


W.P.No.8922 of 2019

WEB COPY

23. As detailed herein above, since the basic premise on which the present writ petition is filed by the petitioner being unfounded i.e., Thiru.Ayyavoo and Tmt.S.Saraswathy being juniors to petitioner, this Court is not inclined to examine as to whether the contention of the respondents of the requirement of possessing a bachelor's degree for being promoted to the post of Under Secretary, is necessary or the pattern of possessing such degree, as the same is of no consequences, for the reason that the petitioner is only seeking to compare herself with her seniors who were appointed as Typists and continued as Typist till they secured promotion as Assistant Section Officer and did not move over as Assistant by availing the benefit that was provided for Typist to convert her service as Assistant. The petitioner having reaped the benefit of the Government Orders/Scheme of allowing conversion from the initial recruitment department to another department by way of 'recruitment by transfer', the petitioner cannot now seek to claim the benefit on the basis of her initial appointment. The said approach of the petitioner is only to be considered as the petitioner adopting the approach of approbating and reprobating to suit her convenience, which cannot be permitted.

24. In view of the above, the present writ petition as filed is devoid of



W.P.No.8922 of 2019

merits and is dismissed. Consequently, connected miscellaneous petitions are

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closed. No order as to costs.

10.07.2026

Speaking order / Non-speaking order

Index : Yes / No

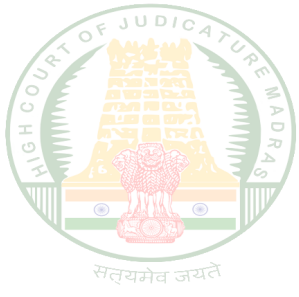
Neutral Citation : Yes / No

dh

To

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai – 600 009.

2. The Secretary to Government,
Energy Department,
Secretariat, Chennai – 600 009.



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W.P.No.8922 of 2019

T. VINOD KUMAR, J.

dh

Order made in
W.P.No.8922 of 2019

10.07.2026