



W.P.No.41622 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41622 of 2016
and
W.M.P.No.35620 of 2016
and
W.M.P.No.13458 of 2017

M.P.Pandian

...Petitioner

Vs.

- 1.The Secretary to Government,
Personnel & Administrative Reforms (FR.IV)
Department, Fort.St.George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
Elementary Education Department,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Thiruvallur District.
- 4.The Additional Assistant Elementary Educational
Officer,
Minjur Block, Ponneri Taluk,
Thiruvallur District.

..Respondents



W.P.No.41622 of 2016

WEB COPY

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings dated 28.10.2015 in O.Mu.No.1274/A5/2015 passed by the 3rd respondent, quash the same and consequently directing the 3rd respondent to fix the higher scale of pay to the petitioner on par with that of his junior with effect from 09.12.2007 in PB.3-15600-39100 + 5400 grade pay scale with all attendant benefits with effect from 09.12.2007 in accordance with G.O.(Ms).No.25 (Personnel and Administrative Reforms (FR.IV) dated 23.03.2015.

For Petitioner : Mr.A.M.M.Ramana
For Mr.R.Saravanakumar

For Respondents : Mrs.S.Mythreyechandru
Special Government Pleader

ORDER

The order of rejection, rejecting the claim of the petitioner for stepping up of pay on par with his junior Smt.Kokilambal as Headmaster is under challenge in the present writ petition.

2. The petitioner states that he was appointed as Secondary Grade Teacher in Panchayat Middle School, Thirupurambiam on 06.11.1987, Kumbakonam Taluk. The petitioner was awarded with the Selection Grade



W.P.No.41622 of 2016

with effect from 09.12.1997. He was further promoted to the post of Headmaster (Secondary Grade) at Panchayat Union Primary school at Koraikuppam, Minjur Block on 31.12.2002. The petitioner states that the pay scale of the Selection Grade Secondary Grade Teacher and Secondary Grade Headmaster are identical. The petitioner was further promoted to the post of B.T. Assistant on 29.11.2006 at Panchayat Middle School, Kattavur, Minjur Block, Thiruvallur District. Thereafter, the petitioner was promoted as Middle School Headmaster at Mangodu, Minjur Block on 23.07.2007. Presently, the petitioner is working as Headmaster at Panchayat Union Middle School, Elavambedu, Minjur Block, Thiruvallur District.

3. The grievances of the writ petitioner is that his junior one Smt.Kokilambal (presently working as Headmaster in Panchayat Union Middle School, Sengazhineermedu, Minjur Block) is receiving higher pay than him and by comparing the salary of the junior, the petitioner made an application to step up his pay on par with his junior. The said application was rejected by the authorities on the ground that the junior was not appointed in the same union, since the junior to the petitioner Smt.Kokilambal was appointed in another Unit. The comparison is



W.P.No.41622 of 2016

inadmissible as per the rules in force.

WEB COPY

4. In this regard, the learned Special Government Pleader relying on the counter affidavit, made a submission that there is no provision in the existing rules and guidelines for stepping up of the pay on par with an employee working in another Unit of Establishment. As the Junior Teacher Smt.Kokilambal is working in Pollachi Union, which is a separate Unit of Establishment, the request of the petitioner has been rightly rejected by the 3rd respondent in proceedings dated 28.10.2015.

5. As per the Tamil Nadu Educational Subordinate Service Rules and the Government Orders issued thereunder, the list of seniority of teachers are being prepared Block level for the purpose of all service benefits such as promotion, transfer on counselling etc., Hence, the question of Senior and Junior will arise only in respect of teachers working within the Union concerned, which is the Unit of Establishment. Hence, the contention of the petitioner is untenable.

6. The provision contained in G.O.(Ms).No.25, Personnel and



W.P.No.41622 of 2016

Administrative Reforms Department dated 23.03.2015 is applicable only to the teachers working in the same Unit of Establishment in respect of list of seniority has been adopted. Admittedly, the comparer Smt.Kokilambal is working in Pollachi Union, which lies in another Unit of Establishment. Thus, the claim of the writ petitioner for stepping up of pay was rightly rejected.

7. This Court is of the considered opinion that the stepping up of pay is to be granted strictly in accordance with the rules in force and as per the rules, the seniority is maintained at Unit level and the junior as claimed by the petitioner is working in another unit. Therefore, the stepping up of pay was rightly rejected and thus, there is no infirmity as such.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.11.2022

Index : Yes
Speaking order: Yes
kak



W.P.No.41622 of 2016

To

WEB COPY

- 1.The Secretary to Government,
Personnel & Administrative Reforms (FR.IV)
Department, Fort.St.George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
Elementary Education Department,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Thiruvallur District.
- 4.The Additional Assistant Elementary Educational
Officer,
Minjur Block, Ponneri Taluk,
Thiruvallur District.



WEB COPY



W.P.No.41622 of 2016

S.M.SUBRAMANIAM, J.

kak

W.P.No.41622 of 2016

07.11.2022