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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.27448 of 2018  
and W.M.P.No.26724 of 2018

M.Saravanan

... Petitioner

Vs

1. The Director of Elementary Education,  
Polur  
Thiruvannamalai District.

2. The Block Educational Officer,  
Polur,  
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ, direction or order in the nature of a Writ, calling for the records relating to Aa.Thi.Mu.No.475/A4/18 dated 24.07.2018 of the second respondent to quash the same and consequently permit the petitioners to resubmit their representation dated 21.05.2018 and further issue direction to the 2<sup>nd</sup> respondent to reconsider the claim of the petitioner their representation dated 21.05.2018.

For Petitioner : Mr.P.Murali

For Respondents : Ms.P.Rajarajeswari

Government Advocate (School Education)

O R D E R

The petitioner herein, is aggrieved against the anomaly in the pay drawn by him and his junior in the same cadre. According to the respondents, the petitioner was appointed in some other Panchayat Union and later on transferred to Polur Union, and since every Union is treated as a single unit and separate seniority lists are maintained, the pay anomaly pointed out by the petitioner cannot be rectified.

2. The issue as to whether the transfer from one Union to another can create an anomaly between the pays drawn by the senior and junior has come up for consideration before this Court on various occasions, and this Court in such cases, has



held that such a ground cannot deny the right of the seniors to have their pay stepped up on par with the juniors who are in the same cadre. In one such decision of this Court in "K.Vijayarani Vs. The District Elementary Educational Officer and another" passed in [W.P.(MD).No.742 of 2018] dated 07.02.2018, such a proposition held as follows:-

"...

5. The first respondent has proceeded on the footing that since the petitioner got transferred from Pudukottai to Kanyathar Union, it is not possible to set right the pay anomaly. The reason assigned by the first respondent in the impugned order is un-sustainable in law. Even though the writ petitioner came to Kayathar Union by way of transfer and has to be placed at the bottom of the seniority list, the fact remains that the Shanthi got appointment as Secondary Grade Teacher at Kayatharu Union only later in point of time. Therefore, by no stretch of imagination the said Shanthi could have stolen a march over the petitioner. The order impugned in this writ petition is quashed."

3. Similar decisions were also taken in the case of "V.Tamilmani Vs. District Elementary Educational Officer and another" passed in [W.P.No.28659 of 2017] dated 22.03.2021.

4. In view of the decisions of this Court, the respondents are not justified in stating that since the petitioner was initially appointed in some other Panchayat Union, and later on transferred to Polur Union has caused the anomaly, which is also not a justifiable reason.

5. In the light of the decisions of this Court in identical cases, this Writ petition stands allowed. As a result, the impugned order Aa.Thi.Mu.No.475/A4/18, dated 24.07.2018 of the 2<sup>nd</sup> respondent is quashed. Consequently, there shall be a direction to the 2<sup>nd</sup> respondent herein to pass appropriate orders in the light of the observations and findings of this Court in the present order. Such a exercise of passing orders shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To

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1. The Director of Elementary Education,  
Polur  
Thiruvannamalai District.
2. The Block Educational Officer,  
Polur,  
Thiruvannamalai District.

+1cc to Mr.P.Murali, Advocate, S.R.No.3189  
+1cc to the Government Pleader, S.R.No.3430

W.P.No.27448 of 2018

SPD (CO)  
CT 14/02/2022