



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1226 of 2019

and

WMP (MD) No.1042 of 2019

N.Sathiaselvan

... Petitioner

Vs.

1. The Principal Accountant General (A&E)
No.361, Anna Salai,
Chennai - 600 018.

2. The Block Educational Officer - II,
Block Educational Office,
Vedasandur,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.P16/2/11622222/ADK, dated 14.05.2018 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the Respondent No.1 to revise the pensionary benefits by taking into consideration the last drawn salary and refix the pension within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For R1 : Mr.P.Gunasekaran

For R2 : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader

**ORDER**

The order impugned dated 14.05.2018, rejecting the claim of the writ petitioner to enhance the salary on par with his junior one Mr.Subramani, is under challenge in the present writ petition.

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2. The petitioner was appointed on 19.06.1985, as Secondary Grade Teacher in the Aided School / T.D.T.A. Primary School, Chokkalingapuram, Tirunelveli District. Thereafter, he was appointed through Employment Exchange to the Panchayat Union Middle School, Kookal in Kodaikanal Union, Dindigul District with continuity of service. The post of Headmaster in the Primary School was vacant and a Headmaster, by name, Mr.N.Subramani, who was appointed as Headmaster after the petitioner, was receiving the higher pay than the petitioner. The petitioner submitted an application stating that the petitioner is much junior to the petitioner and the petitioner is receiving lesser pay than that of his junior. Accordingly, he submitted an application to rectify the pay anomaly and fix the pay on par with his junior. The comparative table is also submitted by the writ petitioner.

3. The learned counsel for the petitioner made a submission that the Additional Assistant Elementary Educational Officer, Vendasandur, fixed the pay of the petitioner on par with his Junior Mr.Subramani and the said proceedings were subsequently cancelled.

4. This Court is of the considered opinion that there are large-scale irregularities in the matter of claiming fixation and arrears of pay in Education Department, more specifically, based on an erroneous order several claims are made. The public money has been disbursed to the employees / teachers of the Education Department and subsequently, those payments are made based on some erroneous orders. There are several instances in the Education Department that such wrongful claims are made by the employees / teachers and large-scale amount has been disbursed with active or passive collusion of the subordinate authorities of the Education Department, by citing one order granted in favour of one employee several employees claimed with subordinate officials, who in turn, sanctioned the amount and paid such amount in an irregular manner without even clarifying the position from the Accountant General of Tamil Nadu or from the Finance Department of State Government. Such irregularities are commonly found in Education Department and even the cases filed before the Courts are not properly defended by the Education Department. Thus, the active or passive collusion of the officials are also to be enquired into by the Government in this regard. In the event of any irregularities and illegalities, the officials are to be fixed with the responsibility and accountability and any such excess amount

<https://hcservices.mca.gov.in/hcservices/> the State exchequer is to be recovered.



5. As far as the Writ Petitioner on hand is concerned, the petitioner claim fixation of pay on par with his junior. Question arises whether the said Subramani was a junior, if so, pay can be fixed on par with him. The Accountant General of Tamil Nadu, considered the proposal submitted by the Education Authorities and passed an order on 14.05.2018 categorically stating that the junior Subramani has entered the Panchayat Union Service from 01.10.1986 whereas, the Senior N.Sathiyaseelan / Writ Petitioner has entered the Panchayat Union from 01.06.1990. Hence, anomaly does not arise and also Aided School service from 19.06.1985 is to be calculated only for net qualifying services and taking into account for award of Selection Grade / Special Grade Pay may be revised upto superannuation.

6. The comparative table filed by the petitioner also reveals that the petitioner joined in the Panchayat Union School from 01.06.1990 and the said Subramani joined on 01.10.1986. As far as the Aided School services are concerned, the Accountant General has clearly stated that the services can be reckoned as a qualifying service for the purpose of pension and it cannot be taken into consideration for the purpose of rectification of pay anomaly. This being the decision taken and the reasons furnished in the order impugned are candid and convincing and there is no infirmity as such. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

//2022

Sub Assistant Registrar(CS-)

MPK

To

1. The Principal Accountant General (A&E)
No.361, Anna Salai,
Chennai - 600 018.



2. The Block Educational Officer - II,
Block Educational Office,
Vedasandur,
Dindigul District.

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+1 CC to M/s.S.LOUIS, Advocate (SR-7214[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7415[F] dated 21/02/2022)

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and
WMP (MD) No.1042 of 2019
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SP/02/03/2022/4P/5C