



W.A.(MD).Nos.764 to 773, 779 to 792 and 795 to 805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).Nos.764 to 773, 779 to 792 and 795 to 805 of 2023
and

C.M.P.(MD).Nos.6422, 6424 to 6432, 6434, 6436 to 6444, 6477, 6479,
6481 to 6484, 6486 to 6491, 6494 to 6501, 6521, 6523, 6524, 6526 to 6533,
6535 to 6543, 6547, 6548, 6550, 6551 and 6553 to 6555 of 2023

W.A.(MD).No.764 of 2023:

V.K.Kannan,
Headmaster,
Panchayat Union Elementary School,
Kollanur,
Vedasandur Union,
Dindigul District.

.. Appellant/Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai – 6.

2.The District Elementary Educational Officer,
Now re designated as
The District Educational Officer,
Dindigul,
Dindigul District.



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3.The Additional Assistant Elementary Educational officer,

Now re designated as

The Block Educational Officer II,

Vedasandur Union,

Dindigul District.

.. Respondents/ Respondents 1 to 3

4.The Secretary to Government,

School Education Department,

Fort St.George,

Chennai – 600 009.

.. 4th Respondent

(R-4 is suo motu impleaded vide Court order dated 04.12.2023 made in W.A.(MD).Nos.764 to 773, 779 to 792 and 795 to 805 of 2023)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 07.11.2022 in W.P.(MD).No.9424 of 2016 and allow the Writ Appeal as prayed for.

For Appellant : Mr.T.Pon Ramkumar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

These batch of Writ Appeals are filed against the common order dated 07.11.2022 passed in W.P.(MD).Nos.9424 of 2016 etc., batch. The writ petitioners are appellants before us.



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2. All the appellants were initially appointed as Secondary Grade Teachers in Panchayat Union Elementary School. On completion of ten years of service, Selection Grade was awarded. The appellants were further promoted to the post of Primary School Headmasters and Middle School Headmasters.

3. The grievance of the appellants are that the pay anomaly occurred between the juniors and seniors were not rectified. In other words, the claim of the appellants for stepping up of their pay on par with their respective juniors was initially considered by the authorities, but those orders were subsequently cancelled. Thus, the appellants were constrained to move the Writ proceedings.

4. The learned counsel for the appellants mainly contended that junior teachers in the cadre of Secondary Grade Teacher were drawing higher pay than that of their seniors and therefore, applications were filed to step up their pay on par with their juniors. The competent authorities initially stepped up the pay in favour of the appellants and subsequently, those



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orders were cancelled without any valid reason. Therefore, the Writ Court has considered the issues. It is contended that the Writ Court made observations in favour of the appellants, but has not granted the relief as sought for in the Writ Petitions and thus, the appeals are preferred.

5. The learned Additional Government Pleader appearing for the respondents mainly contended that on transfer from one Panchayat Union to another Panchayat Union, the respective appellants have lost their seniority and therefore, stepping up of pay would not arise at all in view of Rule 9 of the Tamil Nadu Elementary Education Subordinate Service Rules. More so, even to apply F.R. 22B and 27, certain requirements are to be complied with and it is not as if mere seniority and junior alone is to be taken into consideration for stepping up of pay. Relevant service particulars and the applicability of the Fundamental Rules are to be verified for stepping up of pay.

6. We are not inclined to go into the relative merits, since the learned Single Judge in the order impugned has directed the Secretary to Government, School Education Department to decide the issues on merits



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and in accordance with law. Such an order would not cause prejudice to the appellants and they are at liberty to submit their respective applications/objections along with the documents, if any, to the Secretary to Government, School Education Department for consideration. It is needless to state that the Government is the final authority to take a call in respect of these financial matters and more so, large scale financial implications are involved. Thus, the Government has to take a decision by considering the merits and by applying the relevant Rules for the purpose of stepping up of pay of the appellants.

7. While considering the cases of the appellants, the Secretary to Government, School Education Department is directed to apply the Rules based on the merits involved and decide independently and uninfluenced by the observations made in the impugned order in either way.

8. In view of the fact that the Secretary to Government, School Education Department is not a party either in the Writ proceedings or in the present Writ Appeals, we are inclined to *suo motu* implead the Secretary to Government, School Education Department, Fort St.George,



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Chennai – 600 009, as respondent in the Writ Appeals. Mr.D.Sadiq Raja, learned Additional Government Pleader, takes notice for the impleaded respondent.

9. The impleaded respondent, Secretary to Government, School Education Department is directed to complete the said exercise as expeditiously as possible and by verifying the service particulars of the writ appellants.

10. With the above direction, the Writ Appeals are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
04.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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