



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25231 of 2024
and WMP No.27556 of 2024

C.Madhaiyan

..Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009
2. The Director of School Education,
College Road, Chennai 600 006
3. The Joint Director of School Education (NSS),
College Road, Chennai 600 006.
4. The Chief Educational Officer,
Salem District, Salem.
5. The Head Master,
Government Higher Secondary School,
Mettur Dam, Salem District.
6. The Accountant General, [Accounts and Establishments]



361, Annasalai, Teynampet,
Chennai 600 018.

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in Letter (efile) No. 3027 / Pa Ka. 3 (2) / 2024, dated 27.06.2024 and to quash the same and consequently direct the respondents to rectify the pay anomaly on par with junior K. Saravanan and grant increment with all arrears w.e.f 01.01.2008

For Petitioner : Mr.S.Kousik
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R5
MR.P.Manorajan
Standing Counsel for R6

ORDER

This writ petition has been filed challenging the impugned letter of the 1st respondent dated 27.06.2024 and for a consequential direction to the respondents to revive the pay anomaly and step up the pay of the petitioner on par with his junior K.Saravanan and grant the monetary benefits.



2. Heard Mr.S.Kousik, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents 1 to 5 and Mr.P.Manorajan, learned Standing Counsel for 6th respondent.

3. The request made by the petitioner to step up the pay on par with his junior was rejected only on the ground that the pay of the Junior was increased in the light of the incentive increments made to him.

4. The above issue was considered in detail in the earlier order passed by this Court in WP No.8666 of 2023 dated 20.08.2024. For proper appreciation, the relevant portions are extracted hereunder:-

14. It is trite law that when it comes to stepping up of pay, the Court must only see if the junior and the senior are travelling in the same route and in the same position and are given the same promotion, like two rails of a train track. In such a scenario, the junior cannot be allowed to advance in terms of pay than the senior. If that happens, then the pay of the senior must be



WEB COPY

necessarily stepped up on par with the junior to ameliorate the situation.

15. In the case in hand, both the petitioner as well as his junior were appointed as Secondary Grade Teachers. Admittedly, the petitioner was appointed on 10.08.1992 and whereas the junior was appointed on 02.09.1998. By the time the junior was appointed, the petitioner already got one incentive increment on 02.01.1995. Both of them were travelling in the same track and the petitioner got the second incentive on 28.05.2010 after acquiring M.A. Degree. This also happened when the petitioner was working as a Secondary Grade Teacher. In the case of the junior, his incentive increment started only on 27.02.2013 when he acquired M.A. Degree at which point of time, he was also a Secondary Grade Teacher. The petitioner got promotion as B.T.Assistant on 09.06.2010 and whereas the junior got promotion as B.T. Assistant on 27.02.2013. The second incentive increment for the junior happened in the year 2013 i.e. on 13.11.2013. At



WEB COPY

this point of time, the pay of the junior increased. Looking at the qualification of both the petitioner and his junior, it is seen that the petitioner is equally qualified like his junior and there is no ground to justify the junior getting more pay than the senior for acquiring any qualification more than the petitioner.

16. It is to deal with situations like this, F.R. 27(2) will come to the aid for stepping up of the pay. The reasons assigned by the respondents is that the junior had acquired the second incentive after his promotion as B.T.Assistant when he was drawing a higher salary and therefore, the petitioner will not be entitled to claim for stepping up of pay since he has obtained the incentive at an earlier point of time. For any reasons, while implementing the pay revision, the junior is drawing more pay than the senior, the pay of the senior has to be stepped up. The law on this issue is now too well settled.

17. In the light of the above discussion, the impugned



WEB COPY

proceedings of the first respondent in Oo.Moo.No.3881/Aa3/2021 dated 11.10.2021 is hereby quashed. There shall be a direction to the first respondent to step up the pay of the petitioner on par with the junior A.Gurumoorthy and pay the monetary benefits to the petitioner. This process shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. This Court had categorically held that the reasons assigned by the respondents as if the petitioner is not entitled for step up of pay since the junior was receiving a higher salary on account of the incentive increment, was found to be unsustainable. The same reasoning will apply to the facts of the present case also.

6. In the light of the above discussion, the impugned letter (efile) No. 3027 / Pa Ka. 3 (2) / 2024 of the 1st respondent dated 27.06.2024 is hereby quashed. There shall be a direction to the 1st respondent to step up the pay of the petitioner on par with his junior K.Saravanan and pay the monetary benefits to



the petitioner. This process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

27.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
rka

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009
2. The Director of School Education,
College Road, Chennai 600 006
3. The Joint Director of School Education (NSS),
College Road, Chennai 600 006.
4. The Chief Educational Officer,
Salem District, Salem.
5. The Head Master,
Government Higher Secondary School,
Mettur Dam, Salem District.
6. The Accountant General, [Accounts and Establishments]
361, Annasalai, Teynampet,
Chennai 600 018.



WEB COPY



N. ANAND VENKATESH, J.

rka

W.P.No.25231 of 2024
and WMP No.27556 of 2024

27.09.2024