



WP(MD) Nos.972, 975 and 978 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)Nos.972, 975 and 978 of 2021

C.Devadasan

... Petitioner in
W.P.(MD)No.972/2021

V.Ramesh

... Petitioner in
W.P.(MD)No.975/2021

N.Santhi

... Petitioner in
W.P.(MD)No.978/2021

Vs.

1.The District Educational Officer,
District Educational Office,
Musiry, Trichy District.

2.The Block Educational Officer-2,
Thottiyam Union, Trichy District.

... Respondents
in all W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in O.Mu.No. 1978/A3/2020, O.Mu.No.1976/A3/2020 and O.Mu.No.1980/A3/2020 dated



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16.11.2020 passed by the 1st respondent and quash the same as illegal and consequently direct the respondents to set right the anomaly in pay with regard to the petitioners and re-fix the pay on par with one Smt.P.Sarojini who is the Junior to the petitioners and to grant all monitory benefits from 02.01.2016, by considering the petitioners' representation dated 04.01.2020.

For Petitioners : Mr.S.C.Heroldsingh for
(In all W.Ps) Mr.Senthil Kumar

For Respondents : Mr.V.Om.Prakash,
(In all W.Ps) Govt. Advocate.

COMMON ORDER

The petitioners in these batch of matters are claiming for stepping up of their pay on par with their respective juniors in the cadre of Headmaster. All the petitioners herein and their claimed juniors were appointed as Secondary Grade Teachers in the different Panchayat Unions and presently, on promotion, all of them have been working as Headmaster in their respective Panchayat Unions. The petitioners made a claim for stepping up of their pay on comparing themselves with their respective juniors working in the same Panchayat union as Headmaster. The claim of the petitioners



was rejected by the respondent No.1 on the ground that the petitioners and the claimed juniors were initially appointed in different Panchayat Union as Secondary Grade Teachers and therefore, they are not entitled for stepping up of their pay.

2. Rule 22(B)(2) of the Tamil Nadu Fundamental Rules provides for stepping up of pay in case where both the senior and junior are drawing the same rate of pay in lower post, the senior who was promoted to the higher post before drawing next increment in the lower post would be drawing less pay than his juniors, who was promoted to the higher post after drawing the next increment in the lower post. But in the instance case, as against the claim of the petitioners under Fundamental Rule 22(B)(2), the respondent No.1 instead of considering the case of the petitioners on merits by duly comparing the pay drawn by them in the lower post ie., Secondary Grade Teachers and the claimed juniors and their pay in the promotion post of Headmaster, erroneously issued the impugned orders on the ground that their request cannot be considered as they were initially appointed in different Panchayat Unions.



3. In the circumstances, the reason given in the impugned orders is totally un-sustainable and the case of the petitioners is required to be considered by duly taking into consideration the factual matrix by comparing the case of the petitioners with their respective juniors in the cadre of Headmaster. Such an exercise cannot be undertaken by this Court without there being the actual matrix before this Court. Hence, this Court is of the view that it is a fit case where the matter is required to be remanded to the first respondent for consideration afresh by duly taking into consideration the factual matrix.

4. In the circumstances, the impugned orders are set aside and the matters are remanded back to the first respondent for considering the claim of the petitioners afresh on the facts and circumstances of the each case. The petitioners are granted liberty to make appropriate representation bringing to the notice of the respondent No.1 with regard to the factual matrix and the basis for claiming for stepping up of their pay within a period of three weeks from the date of receipt of a copy of this order. In case, if such representations are submitted, the respondent No.1 shall consider the claim of the petitioners strictly in accordance with Rule 22(B)(2) of the



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Fundamental Rules and other Government Orders applicable and pass a reasoned order in accordance with law with in a further period of six weeks from the date of submission of representations by the petitioners.

5. With the above observations, these Writ petitions are disposed of.

There shall be no order as to costs.

05.03.2024

NCC : Yes/No

Index : Yes/No

vsm

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