



W.A(MD) No.183 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 14.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A(MD) No.183 of 2019  
and  
C.M.P.(MD)No.1485 of 2019

- 1.The District Elementary Educational Officer,  
Tanjore, Tanjore District.
- 2.The Assistant Elementary Educational Officer,  
Madukur, Tanjore District. ... Appellants / Respondents 1 & 2

Vs

S.Duraipandi  
Main Road, Alathur,  
Pattukottai Taluk,  
Tanjore District. ... Respondent / Writ Petitioner

**PRAYER:** Writ Appeal filed under Clause 15 of Latters Patent, praying this Court to set aside the Order dated 27.02.2017 passed in W.P. (MD)No.8680 of 2011.

For Appellants : Mr.V.Om.Prakash  
Government Advocate  
For Respondent : Mr.S.Deenadhayalan



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**ORDER**

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(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner Duraipandi was appointed as Secondary Grade Teacher on 14.09.1987. His grievance was that his junior Sankaralingam is getting higher pay. Hence, Duraipandi filed W.P. (MD)No.8680 of 2011 to step up his scale of pay with effect from 01.07.1996. The writ petition was allowed vide order dated 27.02.2017. Challenging the same, this writ appeal has been filed.

3. The learned Government Advocate has explained as to how the difference in scale of pay has occurred. This is clear from the particulars set out in the following table:-

| Details                             | <b><i>Duraipandi</i></b><br>Petitioner | Writ | <b><i>Sankaralingam</i></b> |
|-------------------------------------|----------------------------------------|------|-----------------------------|
| Date of 1 <sup>st</sup> appointment | 14.09.1987                             |      | 19.07.1988                  |
| Cadre of appointment                | Secondary Grade                        |      | Secondary Grade             |
| Pay at the initial appointment      | 610                                    |      | 610                         |
| Date of Joining in Madukkur Union   | 01.07.1988                             |      | 10.07.1992                  |
| Date of annual increment            | 1 <sup>st</sup> July                   |      | 1 <sup>st</sup> July        |



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**PAY DIFFERENCE OCCURRED**

|                                                                                            |                              |                              |
|--------------------------------------------------------------------------------------------|------------------------------|------------------------------|
| On 06.03.1993 incentive increment to Duraipandi for acquiring higher qualification of B.Ed | 1410                         | 1320                         |
| After one man commission w.e.f.1.1.1996                                                    | 4875-Scale:<br>4500-125-7000 | 4750-Scale:<br>4500-125-7000 |

|                                                                                                                |                              |           |
|----------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In May 1996 incentive increment to Sankaralingam for higher qualification of B.Ed                              | 4875                         | 5000      |
| Selection Grade Pay fixation in respect of Duraipandi                                                          | 5300-Scale:<br>4500-125-7000 | 5250      |
| Periodical increment w.e.f 1.9.1998                                                                            | 5450                         | 5375      |
| Selection Grade Pay fixation to Sankaralingam w.e.f from 19.07.1998 (with one increment benefit 125)           | 5450                         | 5450+50pp |
| Incentive increment for M.A.qualification to Sankaralingam (one incentive ie., two normal increment 150+150)   | 5450                         | 5750+50pp |
| One incentive increment to Duraipandi for M.Ed qualification (one incentive ie., two normal increment 150+150) | 5750                         |           |



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**Subsequently no changes in pay in the Pre Revised Scale**

|                                                            |  |                                                                              |
|------------------------------------------------------------|--|------------------------------------------------------------------------------|
| Difference as on<br>01.01.2006 in the pre<br>revised scale |  | Rs.50/-pp only due to<br>fixation of pay selection<br>Grade w.e.f 19.07.1998 |
|------------------------------------------------------------|--|------------------------------------------------------------------------------|

4. It is true that Duraipandi had acquired B.Ed qualification prior to Sankaralingam. In fact, Duraipandi was also paid incentive increment. That is how, when the Sankaralingam was getting Rs.1,320/-, Duraipandi was getting Rs.1,410/-. The Pay Commission recommendation came into force with effect from 01.01.1996. The salary earned by Duraipandi in the pre-revised scale of pay corresponded to Rs.4,875/-. On the other hand, Sankaralingam obtained B.Ed degree after the pay commission commendation came into force. During the relevant time, the incentive increment was Rs.125/- which was higher than what was conferred earlier. That is how, Sankaralingam marched-past Duraipandi and began to get salary of Rs.5,000/- whereas Duraipandi was getting Rs.4,875/-. It is obvious that this was a clear case of pay anomaly. But then, circumstance under which such anomaly took place is purely fortuitous.

5. The learned Government Advocate drew our attention to the order dated 07.11.2022 made in W.P.(MD)No.14308 of 2021. Paragraph Nos.7 & 8 of the said order read as follows:-



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“7. There is no dispute that the writ petitioner joined service earlier in point of time. However, the writ petitioner who joined in Kadavur Union got transferred on request basis to Thanthoni Union on 25.06.1993. Mrs.V.Rajakumari had originally joined in Paramathi Union and she also got transferred to Thanthoni Union on request basis. However, Mrs.Rajakumari had joined Thanthoni Union on 10.06.1992 itself. Thus, when the writ petitioner joined Thanthoni Union, Mrs.V.Rajakumari was already serving in the said Union. Mrs.Rajakumari had joined service on 25.06.1991 and her probation was declared to have been completed on 24.06.1993. In fact, in this regard, a mistake was committed and it was later rectified. It is well settled that when an employee obtains request transfer to another union, he or she is placed at the bottom of the seniority. To repeat, the petitioner joined Thanthoni Union only on 25.06.1993. Probation of Mrs.V.Rajakumari was declared with effect from 24.03.1996 itself. Therefore, the petitioner was placed below Rajakumari in the seniority list. The case of the petitioner is anchored on the claim that Rajakumari is junior to her. Once it is seen that it is not so, her case is undermined.

8.The learned Additional Government Pleader has produced copy of the seniority list of the Secondary Grade Teachers working in Thanthoni Union as on 01.01.2003. Mrs.V.Rajakumari is figuring at Serial No.82. The writ petitioner/Mrs.K.Saratha is figuring at Serial No. 85. There is yet another fortuitous circumstance. When the petitioner obtained B.Ed degree in 1996 and MA degree in 2001, during the relevant time, incentive increment given was rather nominal. On the other hand, when Rajakumari acquired B.Ed degree on 28.12.2011, incentive increment was substantial as it was made reference to the revised pay scale. Mrs.V.Rajakumari was lucky and was able to get higher incentive increment. She was already working in Thanthoni Union, when the writ



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petitioner joined service. When incentive increment was given to Rajakumari, it was higher. For these two reasons, the pay of Mrs.Rajakumari was placed at a higher level. The writ petitioner cannot have any legal grievance. The impugned order has been correctly passed. It does not call for any interference.”

6. The case on hand is also similar. But fortunately for the writ petitioner, the pay anomaly has been resolved. As on date, Sankaralingam is getting Rs.1,46,750/- whereas the writ petitioner Duraipandi is getting Rs.1,55,600/-. Thus, whatever pay anomaly that crept in had since been removed. The writ petitioner cannot have any grievance.

7. In this view of the matter, we set aside the impugned order and allow the writ appeal. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S., J.)      (R.P., J.)**  
**14.11.2024**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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**G.R.SWAMINATHAN, J.**



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