



W.P.(MD) No.15460 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 08.03.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD)No.15460 of 2021**

R.Vadivel

... Petitioner

Vs.

1.The District Educational Officer,  
Pudukottai, Pudukottai District.

2.The Block Educational Officer – I,  
Karambakudi, Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings in Na.Ka.No.803/A1/2021 dated 22.04.2021 of the 1<sup>st</sup> respondent herein and quash the same and consequently direct the respondents herein to step up the pay of the petitioner on par with petitioner's junior with effect from 23.05.2014 with all monetary benefits.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.V.Om.Prakash,  
Government Advocate



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## **ORDER**

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The petitioner herein, who was initially appointed as a Secondary Grade Teacher on 28.07.1999 in Karambakudi Union, was awarded a selection grade on 28.07.2009 and was awarded the incentive increments on acquiring the qualifications of B.Ed., and M.A on 09.11.2009 and 29.12.2011 respectively. The petitioner was also promoted as Primary School Headmaster on 16.08.2010. On noticing that there is a pay anomaly and the junior of the petitioner viz., B.Tamilmani was drawing more pay than the petitioner as on 23.05.2014, the petitioner made a claim for stepping up of his pay. The said junior B.Tamilmani was initially appointed as Secondary Grade Teacher on 29.02.2000 in Gantharvakottai Uion, Pudukottai District and subsequently transferred to Karambakudi Union, Pudukottai District on 28.11.2000, where the petitioner was working. The said junior was awarded selection grade on 02.03.2010 and was promoted as Primary School Headmaster on 30.06.2012. He was also granted incentive increments on acquiring B.Ed., and M.A. qualifications on 27.12.2012.



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2. Thus, from the above it is evident that though the petitioner and the said B.Tamilmani were initially appointed in different Panchayat Union, both of them are working as on date in Karambakudi Union in the cadre of Primary School Headmasters. Both of them also were granted incentive increments for acquiring B.Ed., and M.A qualifications. From the dates noted above, it is evident that the date of appointment of the said B.Tamilmani is much later to the date of appointment of the petitioner both in the cadre of Secondary Grade Teacher as well as in the cadre of Primary School Headmaster. Admittedly, the said B.Tamilmani is drawing more pay than the petitioner since 23.05.2014 onwards. The request made by the petitioner, for rectification of the said anomaly and for stepping up of his pay, was considered by the respondent No.2 and duly a proposal was submitted for rectification of the pay anomaly to the first respondent. But the first respondent instead of considering the matter on merits passed the impugned order rejecting the claim of the petitioner on the ground that the petitioner and the said B.Tamilmani were appointed in different Panchayat Union initially and therefore, the petitioner is not entitled for rectification of the pay anomaly/for stepping up of his pay. The said very ground on which the



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impugned order came to be passed was considered by this Court in number of occasions in W.P.(MD)No.742 of 2018, W.P.(MD)No.8046 of 2018, W.P.(MD)No.4231 of 2019, W.A.(MD)No.1220 of 2019, W.P.(MD)No.11427 of 2015, W.A.(MD)No.829 of 2021, W.P.No.34455 of 2019, W.A.No.178 of 2021 and W.P.No.10424 of 2006. In most of the cases, the said ground was held to be not sustainable.

3. As already noted above, though the petitioner and the said B.Tamilmani were initially appointed as Secondary Grade Teachers in different Union, both of them came to the same Union viz. Karambakudi Union and they were promoted and working as Primary School Headmasters in the very same Union and have been working as such as on date. That being so, the fact that they were initially appointed in different Unions last significance and they are working in the same cadre in the same Union as on date. Therefore, the ground on which the impugned order issued by the respondent No.1 is totally unsustainable. As already noted above, the second respondent has already submitted a proposal for rectification of the pay anomaly by duly furnishing the entire factual matrix and hence, it is



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obligatory on the part of the first respondent to consider the same on the merits.

4. Accordingly, the impugned order is set aside and the matter is remanded back to the first respondent for considering the proposal submitted by the second respondent on 10.02.2021 and pass appropriate orders, as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this order in the light of the observations made in this order. The first respondent is further directed to pass a reasoned order while passing the orders on the proposal submitted by the second respondent and communicate the same to the petitioner.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

**08.03.2024**

NCC : Yes/No  
Index : Yes/No  
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**MUMMINENI SUDHEER KUMAR, J.**

vsm

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- 2.The Block Educational Officer – I,  
Karambakudi, Pudukottai District.

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