



W.P.(MD) No.15461 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.15461 of 2021**

G.Sakthivel (Died)

2.Rasamani

3.Pragadhambal

4.Aruli

5.Bala Bharathi

... Petitioners

(P2 to P5 are substituted vide Court order  
dated 29.01.2024 in WMP(MD)No.12188/2022  
in W.P.(MD)No.15461 of 2021)

Vs.

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

2.The Block Educational Officer – I,  
Gandarvakottai, 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.1467/A2/2021 dated 06.05.2021 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 27.12.2012 with all monetary benefits.



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For Petitioners : Mr.T.Pon Ramkumar

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

## **ORDER**

During the pendency of the Writ Petition, the petitioner viz., G.Sakthivel, died on 03.03.2022. Hence, the petitioners 2 to 5 are substituted as legal heirs of the said Sakthivel.

2. The first petitioner herein was initially appointed as a Secondary Grade Teacher on 06.12.1999 in Karambakudi Union, Pudukottai District and subsequently, on 10.11.2000 the first petitioner was transferred to Gantharvakottai Union and was promoted as Primary School Headmaster on 16.09.2006, without getting special grade scale in the cadre of Secondary Grade Teacher. Thereafter, the first petitioner was awarded the incentive increments on acquiring the qualifications of B.Ed., and M.A on 27.12.2011. On noticing that there is a pay anomaly and the junior of the first petitioner viz., P.Vijayalakshmi was drawing more pay than the first petitioner as on



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27.12.2012, the first petitioner made a claim for stepping up of his pay. The said junior P.Vijayalakshmi was initially appointed as Secondary Grade Teacher on 28.03.2001 in Karambakudi Union, Pudukottai District and subsequently transferred to Gantharvakottai Union, Pudukottai District on 17.06.2002, where the first petitioner was working. On 28.03.2011, she awarded selection grade pay in the cadre of Secondary Grade Teacher and thereafter, promoted as Primary School Headmaster on 29.06.2011. She was also granted incentive increments on acquiring B.Ed., and M.A. qualifications on 27.12.2012.

3. Thus, from the above it is evident that though the first petitioner and the said P.Vijayalakshmi were initially appointed in different Panchayat Union, both of them are working as on date in Gantharvakottai 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 P.Vijayalakshmi is much later to the date of appointment of the first petitioner both in the cadre of Secondary Grade Teacher as well as in the cadre of



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Primary School Headmaster. Admittedly, the said P.Vijayalakshmi is drawing more pay than the first petitioner since 27.12.2012 onwards. The request made by the first 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 first petitioner on the ground that the first petitioner and the said P.Vijayalakshmi were appointed in different Panchayat Union initially and therefore, the first petitioner is not entitled for rectification of the pay anomaly/for stepping up of his pay. The said very ground on which the 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.



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4. As already noted above, though the first petitioner and the said P.Vijayalakshmi were initially appointed as Secondary Grade Teachers in different Union, both of them came to the same Union viz. Gantharvakottai Union and they were promoted and working as Primary School Headmasters in the same Union and have been working as such as on date. That being so, the fact that they 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 obligatory on the part of the first respondent to consider the same on the merits.

5. 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 09.03.2021 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



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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 petitioners 2 to 5.

6. 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

vsm



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



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vsm

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