



W.A.No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.229 of 2025
and
C.M.P.No.1618 of 2025**

1. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

3. The District Educational Officer,
Thiruvallur Education District,
Thiruvallur.

... Appellants

-Vs-

K.Samson Elangovan
S/o.Karunainathan

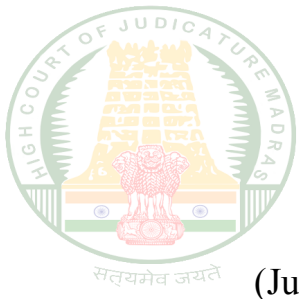
... Respondent

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.16274 of 2020 dated 10.11.2023 and allow the above writ appeal.

For Appellants : Mr.R.Needhi Perumal
Government Advocate

For Respondent : Mr.S.Neduchezhiyan

J U D G M E N T



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(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

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This intra Court appeal has been directed against the order passed by the writ Court dated 10.11.2023 in W.P.No.16274 of 2020.

2. That the issue raised before the writ Court was that, the respondent / writ petitioner was getting a lower pay comparing with one Shyamala Chandrakantham, who was admittedly junior to the writ petitioner.

3. How this pay anomaly took place is that, both the writ petitioner and the junior incumbent namely, Shyamala Chandrakantham were PG Teachers and the writ petitioner entered into service as B.T.Assistant on 01.12.1997, whereas the said Shyamala Chandrakantham entered into the said service as B.T.Assistant on 24.12.1998. The petitioner acquired M.Ed degree qualification in the year 1999. The said Shyamala Chandrakantham acquired M.Sc qualification in the year 2001. The petitioner was promoted as P.G.Assistant on 18.08.2006. The said Shyamala Chandrakantham was promoted as P.G.Assistant on 01.10.2009. When that being so, how the writ petitioner being senior in all respects acquired the higher qualification also well prior to the said Shyamala Chandrakantham, and was getting the lower pay was the issue that



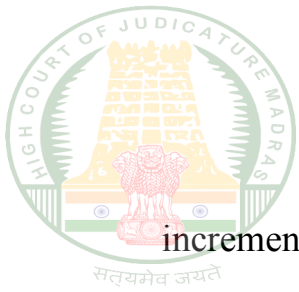
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was raised before the learned Judge.

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4. The defence that was taken on behalf of the respondents who are the appellants herein before the writ Court was that in view of FR 22 B (1) & (2), such pay anomaly could not be avoidable. However, the learned Judge having considered the aforesaid factual matrix has found out that, the writ petitioner was given the advance incentive increment for having acquired the higher qualification even prior to the promotion he earned as P.G.Assistant, whereas the said Shyamala Chandrakantham was getting the advance incentive increment for having acquired the higher qualification after she got promotion as P.G.Assistant. Therefore, there has been a difference in these two incentive increments conferred on the writ petitioner and the other third party and therefore, such a small mistake occurred on small pay anomaly between these two can easily be rectified by the appellant Department. This, in fact, was directed by the learned Judge through the impugned order dated 10.11.2023.

5. Instead of rectifying this anomaly, the appellant Department has preferred this intra Court appeal. We are not impressed with any of the grounds raised in this regard on behalf of the appellant as it is admittedly the anomaly, whereas, the junior was getting higher pay because the advance incentive



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increment had been conferred on the junior after she got promotion as

WEB P.G.Assistant, whereas, this was given to the writ petitioner prior to his promotion to the post of P.G.Assistant. This anomaly can easily be set right by the appellant Department, therefore, we do not find any error of the approach of the learned Judge.

6. Resultantly, this Writ Appeal fails and hence, it is dismissed. In order to comply with the direction given by the learned Judge through the impugned order, two months time is granted. Till such time, no persuasive action including the contempt proceedings be persuaded against the appellants. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
28.01.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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C.SARAVANAN, J.**

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