



W.P. Nos.18090, 18091, 18092, 18093 & 18094 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.18090, 18091, 18092,
18093 & 18094 of 2012

and

M.P.Nos.1, 1, 1 & 1 of 2012

M.Claramunavar ... Petitioner in W.P.No.18090 of 2012

C.Lakshmanan ... Petitioner in W.P.No.18091 of 2012

1. N.Thangavelu (Died)

2. Kamalam

3. Umarani

4. Usharani

... Petitioners in W.P.No.18092 of 2012

(Petitioners 2 to 4 are impleaded as
legal heirs of the deceased petitioner
vide order of this Court dated 18.07.2025
in W.M.P.No.23670 of 2024)

M.Pachaiappan ... Petitioner in W.P.No.18093 of 2012

P.Chandran ... Petitioner in W.P.No.18094 of 2012

Vs.

1. The District Elementary Educational Officer,
Salem – 636 007.

2. The Principal Accountant General (A & E)
Tamil Nadu, Anna Salai, Teynampet,
Chennai – 600 018.

... Respondents in all W.Ps.



W.P. Nos.18090, 18091, 18092, 18093 & 18094 of 2012

Prayer in W.P.No.18090 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in connection with the impugned proceedings issued in O.Mu.No.1473/2011/A1, dated 16.06.2011 and to quash the same and consequently direct the respondents herein to grant the bonus increment to the wife of the petitioner with effect from 06.03.2003 and to consequently revise the pay of the petitioner's wife from that date with retrial and pensionary benefits and to grant her all arrears accrued thereon with interest on the delayed payments.

Prayer in W.P.No.18091 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in connection with the impugned proceedings issued in O.Mu.No.1414/2011/A1, dated 16.06.2011 and to quash the same and consequently direct the respondents herein to grant the bonus increment to the wife of the petitioner with effect from 11.12.2002 and to consequently revise the pay of the petitioner's wife from that date with retrial and pensionary benefits and to grant her all arrears accrued thereon with interest on the delayed payments.

Prayer in W.P.No.18092 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in connection with the impugned proceedings issued in O.Mu.No.1473/2011/A1, dated 16.06.2011 and to quash the same and



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consequently direct the respondents herein to grant the bonus increment to the wife of the petitioner with effect from 29.03.2002 and to consequently revise the pay of the petitioner's wife from that date with retrial and pensionary benefits and to grant her all arrears accrued thereon with interest on the delayed payments.

Prayer in W.P.No.18093 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in connection with the impugned proceedings issued in O.Mu.No.2044/2011/A1, dated 16.06.2011 and to quash the same and consequently direct the respondents herein to grant the bonus increment to the wife of the petitioner with effect from 01.12.2002 and to consequently revise the pay of the petitioner's wife from that date with retrial and pensionary benefits and to grant her all arrears accrued thereon with interest on the delayed payments.

Prayer in W.P.No.18094 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in connection with the impugned proceedings issued in O.Mu.No.1415/2011/A1, dated 16.06.2011 and to quash the same and consequently direct the respondents herein to grant the bonus increment to the wife of the petitioner with effect from 11.12.2002 and to consequently revise the pay of the petitioner's wife from that date with retrial and pensionary benefits and to grant her all arrears accrued thereon with interest on the delayed payments.



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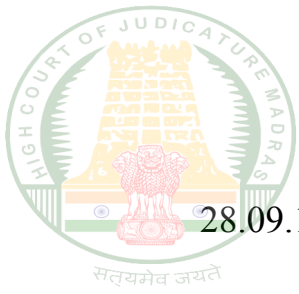
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In all W.Ps.

For Petitioners : Ms.T.Subhiksha for
Mr.M.Ravi
For Respondents : Ms.Akila Rajendran,
Government Advocate

COMMON ORDER

The petitioners in W.P.Nos.18090 to 18092 of 2012 are the persons who were initially appointed as B.T. Head Masters on 06.03.1973, 08.12.1972 and 29.03.1972. The petitioner in W.P.No.18093 of 2012 is the husband of one G.Janaki and the petitioner in W.P.No.18094 of 2012 is the husband of one V.Jagatha whose wives were appointed as B.T. Head Mistresses on 01.12.1972 and 11.12.1972 respectively. All the B.T. Head Masters / B.T. Head Mistresses who were appointed during the years 1972 and 1973 as noted above, have been granted selection grade and special grade in the said post on completion of 10 years and 20 years of their service respectively. Thereafter they were posted as Assistant Elementary Educational Officers (in short A.E.E.O) which is equivalent to the post of B.T. Headmaster and continued beyond 10 years of service in Special grade. On completion of 10 years of service after awarding Special grade in the said post i.e., A.E.E.O, the petitioners herein claimed for extending the benefits of bonus increment in terms of Orders issued by the Government in G.O.Ms.No.562, Finance (Pay Cell) Department, dated



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28.09.1998. The said claim of the petitioners was rejected by passing the respective impugned orders, dated 16.06.2011. It is aggrieved by the said orders, the petitioners approached this Court by filing present Writ Petitions.

2. During the pendency of the Writ Petitions, the sole petitioner in W.P.No.18092 of 2012 passed away and in view of the same, his legal representatives are brought on record as petitioners 2 to 4 today.

3. It is the case of the petitioners that they continued in Special Grade pay for more than 10 years and therefore they are entitled for bonus increment in terms of the orders issued in G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.09.1998.

4. Heard Ms.T.Subhiksha, learned counsel for the petitioners and Ms.Akila Rajendran, learned Government Advocate appearing for the respondents.

5. It is the specific contention of the learned counsel for the petitioners that the post of Assistant Elementary Educational Officer is equallent and interchangeable post to that of B.T. Head Master and



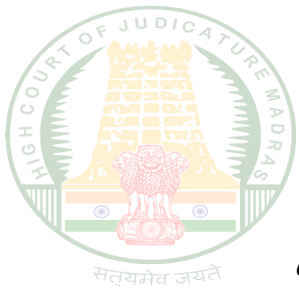
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therefore they were transferred from the post of B.T. Head Masters / B.T.

Head Mistresses to Assistant Elementary Educational Officers and that the same cannot be treated as upgradation or promotion as there was no change in the pay being drawn by the petitioners.

6. The claim of the petitioners was rejected only on the ground of transferring the petitioners to the post of Assistant Elementary Educational Officer and the same was considered as promotion, though there was no change in the pay of the petitioners after they being posted as Assistant Elementary Educational Officer.

7. The learned counsel for the petitioners has brought to the notice of this Court that an identical issue has come up for consideration before a coordinate Bench of this Court in W.P.No.10078 of 2009 and batch and the same was disposed by an order dated 24.08.2021, holding that the transfer of B.T. Head Master to the post of Assistant Elementary Educational Officer cannot be treated as promotion or up-gradation, and pursuant to which all the petitioners therein were treated as persons continued in the same grade by stagnation. The relevant paragraphs from the said order reads as under:



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“9. It is an admitted position that the scales of pay qua a BT Middle School Head Master and an AEEO are one and the same. In fact, the two positions have been equated in the case of Director of Elementary Education, Chennai and others Vs. S.Amel Antony and others (2001-Writ L.R.562) by a Division Bench of this Court where, at paragraph No.5, the Bench states that the two posts (i.e., AEEO and Head Master/Head Mistress of Middle School) are identical and on the same level. One post is not inferior or superior to the other. The Bench also goes on to note that admittedly the pay scales for both posts is identical. This is on the one hand.

10. Secondly, and as far as hierarchy is concerned, there is, admittedly no upward mobility for the employee in question and the employee stays put in the same cadre of employment.

11. However, the meaning accorded to the term 'stagnation' by the respondents is in the context of 'activity' or 'functions rendered'. This is a flawed interpretation. No doubt, the two posts of BT Middle School Head Master and AEEO involve the rendition of different functions and activities. However, this is irrelevant to determine the eligibility to Super Grade pay. What is required to be seen is whether one has stagnated in the same scale of pay for a period of ten years. That is the, be all and end all, of G.O.No.562 dated 28.09.1998. In this case, the petitioners, admittedly, satisfy that condition. The respondents have all but conceded to the aforesaid position, as may be seen from paragraph 6 of the counter affidavit, wherein, the third respondent states that 'Even though the post of the middle school Headmaster and the Assistant Elementary Education Officer carries identical scale of pay but the nature of work is different and they are not same post.’”

8. There is no dispute on the application of the said order to the facts of the present batch of matters. In the light of the decision rendered by the Coordinate Bench of this Court in W.P.No.10078 of 2009 and batch, dated



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24.08.2021 in the considered view of this Court, the impugned orders are liable to be quashed for very same reasons assigned in the order dated 24.08.2021. Accordingly, the impugned orders are set aside. The Writ petitions are allowed.

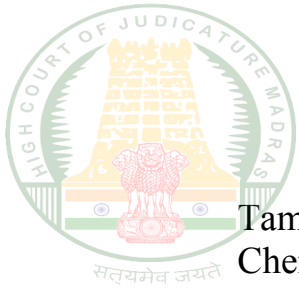
9. The respondents are directed to revise the pay of the petitioners herein who were served as B.T. Head Masters / B.T. Head Mistresses in terms of G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.09.1998 only from the date of their entitlement and pay the arrears of amount as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

To:

1. The District Elementary Educational Officer,
Salem – 636 007.
2. The Principal Accountant General (A & E)



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Tamil Nadu, Anna Salai, Teynampet,
Chennai – 600 018.

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MUMMINENI SUDHEER KUMAR,J.,

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M.P.Nos.1, 1, 1 & 1 of 2012

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