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W.A.No.2602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2602 of 2025
and
C.M.P.No.20788 of 2025

1. The District Educational Officer,
Tirupattur Educational District,
Tirupattur,
Tirupattur District.

2. The Block Educational Officer,
Jolarpet Union,
Tirupattur Educational District,
Tirupattur District.

... Appellants

-Vs-

R.Elayaraja

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 14.03.2024 in W.P.No.14806 of 2021.



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For Appellants : Mr.S.Yashwanth
Additional Government Pleader

For Respondent : Mr.P.M.Vishnuvarthanan

J U D G M E N T

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

This intra Court appeal has been directed against the order dated 14.03.2024 made in W.P.No.14806 of 2021.

2. The respondent who was the writ petitioner had been appointed as Secondary Grade Teacher in Natrampalli Union on 20.10.2004 and his service had been regularised. Subsequently, he was transferred to Jolarpet Union on 25.07.2007 from where he got promoted as B.T.Assistant on 19.06.2014. One D.Balamurugan was appointed as Secondary Grade Teacher in the very same Jolarpet Union on 18.01.2005 and he was promoted as B.T.Assistant on



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08.08.2016. Therefore, the respondent / writ petitioner was senior, and his name

also was found in the seniority panel for the post of Headmaster dated 01.01.2018 at Serial No.63, whereas the said Balamurugan had been placed at 85th position.

3. Despite these factors, the respondent / writ petitioner salary was fixed and was paid the salary of Rs.55,100/-, whereas the salary of the said Balamurugan was fixed at Rs.58,500/- as on 14.06.2017.

4. Therefore, it is the case of the respondent / writ petitioner that, being the senior, he is getting lower pay and the individual Balamurugan being the junior is getting higher pay. Hence, in order to set right the pay anomaly, he had approached the respondents, who are the appellants herein, however the request had been turned down through the order dated 09.04.2021, challenging the same, the said writ petition was filed.

5. The said writ petition was heard and allowed by the learned Judge,



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through the impugned order dated 14.03.2024, wherein learned Judge has

observed that, as the writ petitioner was transferred to Jolarpet Union, he is senior in all respects from the date of entering into service, hence, the pay already been fixed to his junior, i.e., Balamurgan at Rs.58,500/- should be extended to the petitioner also on par with his junior. When such a plea was raised, the same since has been turned down through the order impugned before the writ Court, the learned Judge was pleased to set aside the order and had given a direction to consider the request made by the writ petitioner in this regard by way of his representation dated 03.10.2020 and to re-fix the salary as on 14.06.2017 on par with the junior.



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6. Aggrieved over the said order passed by the writ Court, the appellants

have filed the present intra-Court appeal.

7. Heard Mr.S.Yashwanth, learned Additional Government Pleader appearing for the appellants and Mr.P.M.Vishnuvarthanan, learned counsel appearing for the respondent.

8. The learned Additional Government Pleader appearing for the appellants would submit that, in fact the rejection that has been made through the order dated 09.04.2021 which was impugned before the writ Court rejecting the plea of the writ petitioner to set right the pay anomaly by fixing the pay on par with the junior is concerned, that was rejected not on the ground that he was transferred from Union to Union but on the different reason, that is, the junior has been given advance incentive increment for having acquired higher qualification, that is the reason why there had been a pay difference between them.



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9. If that kind of advance incentive increment is given based on which if

the pay is stepped up even for a junior, that would not entitle a senior to seek for setting right the pay anomaly as if it has arisen at the time of fixing the pay and in support of his contention, the learned Additional Government Pleader has relied upon the Government Order issued in this regard by the Personnel and Administrative Reforms (FR.IV) Department, dated 23.03.2015 in G.O.(Ms)No.25, where he has relied upon paragraph No.5(iii) of the Government Order, which reads thus:

"5(iii). The pay anomaly should be arising directly as a result of fixation of pay in the promotional post after fixation of pay in the Selection Grade / Special Grade of the lower post. For example, if even in the lower post the junior officer draws from time to time, a higher rate of pay than the senior by virtue of grant of advance increment, the provisions contained in this order should not be invoked to step up the pay of the senior officer."

10. Therefore, the learned Additional Government Pleader would submit



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that, these aspects since has not been considered in proper perspective by the

learned Judge, the reasoning given by the learned Judge in setting aside the order dated 09.04.2021 may not be justifiable and it is erroneous one, hence he seeks indulgence of this Court.

11. We have heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the respondent / writ petitioner, who, would submit that, in the order dated 09.04.2021, nothing has been stated as has been projected now by the learned Additional Government Pleader appearing for the appellants. The only reason cited in the said order dated 09.04.2021 is that, both were appointed in different Unions, the writ petitioner had lost the seniority when he came to the other Union, that was taken into account and accordingly such pay anomaly has occurred, that was the only reason cited by the appellants who are the respondents in the writ petition. Therefore, since the said reasons would not be sustained, the learned Judge has shown an indulgence in setting aside the said order and given a consequential direction to them to consider the representation given by the writ petitioner to fix the pay scale on par with his junior, therefore,



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the order impugned does not warrant any interference, he contended.

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12. We have considered the said rival submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

13. Though the learned Additional Government Pleader has cited a different reason as if that, the junior Balamurugan has been given the higher scale of pay only on the basis of advance incentive increment that has already been sanctioned on him for having acquired higher qualification and this position is to be supported by citing G.O.(Ms)No.25 as cited *supra*, such reason has not been reflected in the order dated 09.04.2021.

14. In this context, it is a settled proposition of law that, the orders which are challenged by way of judicial review are defended only on the reason that has been reflected or shown in the order itself and no additional or extended reasons can be supplied subsequently to defend the order passed by the



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authorities and this legal position is a celebrated one that has been followed

consistently by the law Courts right from 1978 in the case of ***Mohinder Singh***

Gill & another Vs. The Chief Election Commissioner, New Delhi & others

reported in ***(1978) 1 SCC 405***.

15. Therefore, for whatever reasons now has been projected by the learned Additional Government Pleader, the order impugned dated 09.04.2021 cannot be successfully defended and the order dated 09.04.2021 which was impugned before the writ Court is liable to be set aside. Accordingly, that portion of the order impugned setting aside the order dated 09.04.2021 is to be approved not for the reasons that has been discussed by the learned Judge in the impugned order but for the reasons that the reasons cited in the impugned order, i.e., 09.04.2021 would not be sustainable in the eye of law.

16. Therefore, to that extent, we approve the order passed by the learned Judge which is impugned herein, but at the same time, the consequential direction issued in this regard by the learned Judge is liable to be interfered with



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because of the reasons now have been cited by the learned Additional

Government Pleader and therefore, after having approved the order passed by

the learned Judge, which is impugned herein whereby the order dated

09.04.2021 since has been set aside, the matter is left open for the appellant

Department to pass a revised order if they are advised to do so on the plausible

reasons and the sustainable grounds and in that case, if any adverse order is

passed against the respondent / writ petitioner, it is open to him to challenge the

order by way of judicial review. The revised order be passed by the appellant

Department within a period of two months from the date of receipt of a copy of

this judgment.

17. With these observations and modification of the order which is impugned herein passed by the writ Court, this Writ Appeal is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(H.C., J.)



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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

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