



W.A No. 2666 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2666 of 2025

AND

CMP.No. 21445 of 2025

1. The Secretary to Government
School Education Department,
Fort St. George,
Chennai-600009

2.The Director of School Education,
College Road, Chennai-600006.

3.The Joint Director of School Education (NSS)
College Road, Chennai-600006.

4.The Chief Educational Officer,
Salem District, Salem.



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5.The Headmaster,
Government Higher Secondary School,
Mettur Dam, Salem District.

..Appellants

Vs

1.C.Madhaiyan
2.The Accountant General,
(Accounts and Establishments)
361, Anna Salai, Teynampet,
Chennai-600018.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 27.09.2024 passed in W.P.No. 25231 of 2024.

For Appellant: Mr.S.Yashwanth, AGP

For Respondents : Mr.K.Sathishkumar - R1

Mr. V.Vijayashankar, Standing Counsel-R2

JUDGMENT

(Made by **HEMANT CHANDANGOUDAR, J.**)

This intra-Court appeal assails the order dated 27.09.2024 passed by the learned Single Judge in W.P. No. 23251 of 2024. By the said order, the appellant was directed to step up the pay of the 1st respondent/writ petitioner



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on par with his junior, K. Saravanan, and to grant him the consequential monetary benefits. The writ petitioner was initially appointed as a Secondary Grade Teacher on 24.03.1983 at the Government Higher Secondary School and was subsequently promoted to the post of Tamil Pandit. However, his junior, K. Saravanan, who was appointed subsequently, and was drawing a higher pay. Consequently, the writ petitioner submitted a representation dated 05.03.2011 seeking rectification of the anomaly in the pay scale.

2. The 1st appellant rejected the said representation, stating that the higher pay drawn by the junior was due to the incentive increments granted to him. The learned Single Judge, however, set aside the order of the 1st appellant by relying on the decision of this Court in W.P. No. 8666 of 2023, dated 20.08.2024, wherein it was held that if, while implementing a pay revision, a junior draws more pay than a senior, the pay of the senior must be stepped up to that of the junior. Aggrieved thereby, the present writ appeal has been filed.



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3. Learned counsel for the appellants submitted that the anomaly between the writ petitioner and his junior arose only on account of the incentive increments granted to the junior for acquiring higher educational qualifications, and therefore, the pay of the writ petitioner cannot be stepped up.

4. In response, learned counsel for the writ petitioner submitted that the impugned order was passed after relying on the earlier decision of this Court in W.P. No. 8666 of 2023 which has been implemented, and therefore, the writ petitioner cannot be discriminated against by denying him the same benefit extended to similarly placed persons.

5. We have carefully considered the submissions of the learned counsel for the parties and perused the materials on record.

6. It is not in dispute that the writ petitioner was promoted to the post of Tamil Pandit, and was granted selection grade of pay for the promoted post (Tamil Pandit) by counting the services in the selection grade of secondary post



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on 11.01.2007. However, his junior, namely K. Saravanan, who was promoted as Tamil Pandit subsequently, came to draw a higher pay than the writ petitioner. The learned Single Judge, relying on the earlier decision in W.P. No. 8666 of 2023, dated 20.08.2024, held that the appellants' justification namely, that the writ petitioner was not entitled to stepping up since the junior was drawing higher salary on account of incentive increments was unsustainable. The learned Single Judge observed that this principle, flowing from the interpretation of Rule 27(2) of the Fundamental Rules, is now well settled. Furthermore, in the additional affidavit filed by the 4th appellant, it is admitted that the decision of this Court in W.P. No. 8666 of 2023 has already been implemented.

7. In light of the foregoing discussion, we have no hesitation in holding that the writ petitioner is entitled to stepping up of his pay on par with his junior, K. Saravanan, as rightly held by the learned Single Judge. The impugned order does not suffer from any illegality or infirmity warranting interference by this Court.



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8. Accordingly, the writ appeal is dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs. The appellants are granted three months time to comply with the directions issued by the learned Single Judge in the impugned order.

(R.S.K. J.,) (H.C. J.,)

18.09.2025

Index : Yes / No
Internet : Yes/No
Neutral Citation : Yes / No
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To
The Accountant General,
(Accounts and Establishments)
361, Anna Salai, Teynampet,
Chennai-600018.



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