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W.A.No.3434 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

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

**W.A.No.3434 of 2025
and
C.M.P.No.28084 of 2025**

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

2. The Joint Director,
National Service Scheme (NSS),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3. The Chief Educational Officer,
Erode District,
Erode - 638 001.

... Appellants

-Vs-

1. C.Madesan

2. V.Thangavel

3. The Principal Accountant General
(A&E) Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 25.03.2024 in W.P.No.19224 of 2023.



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For Appellants : Mr.R.Neelakandan, Addl. Advocate General
assisted by Mr.C.Kathiravan, Standing Counsel
For Respondents : Mrs.Nalini Chidambaram, Senior Counsel
for Mr.A.Govindaraj for R1

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 25.03.2024 made in W.P.No.19224 of 2023.

2. The first respondent / writ petitioner was initially appointed as B.T.Assistant on 29.12.1989 and thereafter, he acquired additional qualifications, i.e., P.G., degree and M.Ed., degree etc., For such additional qualifications, he earned additional incentive increment also in the year 1998. In the year 1999, he was given selection grade, subsequently, he was promoted to the post of P.G.Assistant. Thereafter, he was promoted to the post of Headmaster in the High School on 02.07.2009.

3. After working in that capacity for ten years, he was promoted further as District Educational Officer with effect from 30.10.2019. In that capacity, he worked till his superannuation on 28.02.2023. Thereafter, he retired from the post of District Educational Officer on attaining the superannuation on 28.02.2023.



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4. In this context, it is the grievance of the first respondent / writ petitioner that, the fourth respondent therein, namely, Thangavel entered into service as B.T.Assistant after the writ petitioner. In this regard, the following comparative table shows where both the first respondent / writ petitioner as well as second respondent herein who stood as fourth respondent in the writ petition have travelled under various stages:

<i>Name of the candidate</i>	<i>Date of appointment as B.T. Assistant</i>	<i>Date of receipt of selection grade scale of pay in the post of BT Assistant</i>	<i>Date of appointment as PG Assistant</i>	<i>Date of appointment as High School Head master</i>	<i>Date of appointment as DEO</i>	<i>Date of receipt of 1st incentive and the amount of incentive</i>	<i>Date of receipt of 2nd incentive</i>
<i>C.Madesan</i>	29.12.1989 in the scale of pay of Rs.1400-40-1600-60-2300-60-2600	29.12.1999	11.08.2001	02.07.2009	30.10.2019	29.12.1989 for having M.Sc degree incentive of Rs.80/-	26.05.1998 for having M.Ed degree .. incentive of Rs.350/-
<i>V.Thangavel</i>	21.09.1992 in the scale of pay of Rs.1400-40-1600-60-2300-60-2600	10.01.2002	27.07.2006	02.08.2010	01.10.2022	01.04.2004 for having M.Sc degree incentive of Rs.400/- and received salary Rs.22,270 (9300-34800+4800 GP)	24.08.2008 for having M.Phil degree incentive of Rs.1290/- and received salary Rs.23670/ - (9300-34800+4800 GP)



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5. Therefore, from the stage of B.T.Assistant till the stage of District Educational Officer, the first respondent / writ petitioner had travelled well ahead of the second respondent / fourth respondent as admittedly he was junior as he entered into service as B.T.Assistant in the year 2002 whereas the first respondent / writ petitioner entered into service in the year 1999.

6. When that being so, since the junior was getting higher pay in the cadre of District Educational Officer which was not given to the first respondent / writ petitioner, therefore, he requested for rectifying the pay anomaly by stepping up his pay which was negated by the orders passed by the second appellant dated 28.02.2023 which was impugned before the writ Court.

7. The writ Court having considered these factual matrix has given a direction in the order impugned by quashing the order dated 28.02.2023 that the appellant Department shall receive a representation to that effect from the writ petitioner and it shall be decided by them to rectify the pay anomaly between the writ petitioner and the fourth respondent, who is the second respondent herein within a time frame.



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8. Though aggrieved by the said order, the present appeal has been directed at the instance of the appellants as projected by Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellants, we after hearing the learned Additional Advocate General and after having gone through the order which was impugned before the writ Court as well as the grounds urged in this writ appeal and after having compared the service particulars of both the writ petitioner as well as the junior, i.e., fourth respondent in the writ petition, who stood as second respondent herein, we found that, in each and every stage right from entering into service, the writ petitioner had been travelling well ahead of the junior and therefore, in the year 2019 itself, since he had earned the post of District Educational Officer in which position the junior had come only later, the writ petitioner being the senior is very much entitled to get the higher pay or at least equal pay that was fixed to the junior.

9. Even though some reasons have been stated in the order impugned before the writ Court to state because of the advance incentive increment that has been paid to the junior, the pay might have been increased which cannot be rectified by way of removal of pay anomaly in view of Rule 13 as per the Tamil Nadu Revised Pay Rules, 2017 submitted by learned Additional Advocate General appearing for the appellants, we are not impressed with the said reason



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given by the appellant Department as projected by Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellant Department for the simple reason that, insofar the case of the writ petitioner also, he received such advance incentive increment even in the year 1998 itself at Rs.350/- for such higher qualification as per the then existing rate. Such incentive increment was received by the junior in the year 2008 for a sum of Rs.1,290/- as per the subsequent revised pay.

10. Had there been advance increment paid to both of these incumbents, certainly the incentive increment paid to the senior would have been enhanced correspondingly based on the Pay Commission Recommendation then and there. Therefore, that cannot be the reason to state that, the higher pay received by the junior is justifiable, whereas for the said pay, the senior is not eligible. Therefore, there was every justification on the part of the writ petitioner to challenge the said order and which was rightly considered and decided by the writ Court by quashing the same and a direction to that effect has been given to the appellant Department to reconsider the issue and to step up the pay by removing the anomaly.

11. Insofar as the post of District Educational Officer is concerned, certainly the writ petitioner had reached the position in 2019, therefore, the



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junior who reached the said position only later, if he gets a higher pay, the pay of the petitioner in the cadre of District Educational Officer should have been enhanced and the enhanced last drawn pay should have been the basis for fixing pension and pensionary benefits.

12. In that view of the matter, we do not find any error in the approach of the learned Judge in allowing the said writ petition and therefore, the order impugned is to be sustained, as a result of which, the following orders are passed in this writ appeal:

(i) that the order impugned is sustained and therefore, there shall be a direction to the appellant Department to fix the last drawn pay on the basis of stepped up pay on par with the junior namely, the second respondent herein in the cadre of District Educational officer and accordingly, the pension of the first respondent / writ petitioner shall also be revised and the difference of arrears of pension shall be calculated and be paid and the revised pension shall continue to be paid to the first respondent / writ petitioner.

(ii) The needful as indicated above shall be undertaken by the appellant Department within a period of two months from the date of receipt of a copy of this order.

(iii) Till such time, no coercive steps shall be taken by the first respondent / writ petitioner.



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13. With these directions, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
11.11.2025

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

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To

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(A&E) Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai - 600 018.
2. The Director,
Directorate of School Education,
DPI Campus, College Road,
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