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W.A.(MD)NO.72 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.72 of 2023

M.Gnanamani

... Appellant / Petitioner

Vs.

The District Educational Officer,
Sivakasi,
Virudhunagar District.

... Respondent / Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.(MD)No.2395 of 2020 dated 13.12.2022 on the file of this Court.

For Appellant : Mr.S.Rajasekar

For Respondent : Mr.C.Venkatesh Kumar,
Special Government Pleader.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

This writ appeal is directed against the order dated 13.12.2022 dismissing W.P.(MD)No.2395 of 2020 filed by the appellant herein.



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2. The appellant herein was appointed as P.G.Assistant(Tamil) on 23.03.1985 at Nadar Mahamai Higher Secondary School, Elaiyirampannai, Viudhunagar District. It is an aided institution. The appellant was awarded incentive increments in the year 1989 and 1993. The grievance of the appellant is that one K.Indira Devi who was appointed only two weeks later (ie.) on 06.04.1985 was getting higher pay. Questioning this anomaly and seeking re-fixation, the appellant filed representation. The representation was rejected vide order dated 27.08.2018 by the District Educational Officer, Sivakasi, Virudhunagar District. Challenging the same, she filed W.P.(MD) No.2395 of 2020. The learned single Judge dismissed the writ petition in the following terms:-

“6. Admittedly, the petitioner was appointed as P.G. Assistant on 23.03.1985. It is also admitted that her junior was appointed as PG Assistant on 06.04.1985. However, she passed M.Ed., before the petitioner on 16.09.1987. The petitioner passed M.Ed., only on 26.08.1989, which is after a lapse of two years of her junior passed M.Ed., degree. Since the junior Indira Devi, who had acquired M.Ed., before the petitioner herein, was granted incentive increment and accordingly, her pay has been



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increased. Since the petitioner has acquired qualification much after her junior and further more, she has not submitted her application in the prescribed format within the time limit, the petitioner cannot claim pay anomaly. It is seen that the petitioner has retired in the year 2018 and after a lapse of two decades, the petitioner made a representation for pay anomaly, which is not sustainable and hence, no interference is warranted to the impugned order. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous petition is closed.”

Challenging the same, this writ appeal has been filed.

3. The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal. He called upon this Court to interfere with the order impugned in the writ petition and grant relief as prayed for.

4. We are not swayed by the submissions of the learned counsel for the appellant. Admittedly, the cause of action arose in the year 1997. The appellant retired from service in the year 2014. Even pension was fixed and received by the appellant in the year 2014 itself. The appellant chose to keep quiet for some time and submitted



the representation belatedly alleging pay anomaly and seeking re-fixation. The request was rejected by the District Educational Officer, Sivakasi on 27.08.2018. The writ petition was filed in the year 2020. The learned single Judge non-suited the appellant primarily on the ground of delay.

5. Though the learned counsel for the appellant would contend that it is a continuing cause of action, we are unable to accept the said contention. The Hon'ble Supreme Court in the decision reported in **(2011) 4 SCC 374 (BSNL V. Ghanshyam Dass)** had deprecated the practice of entertaining the writ petitions filed after undue delay. In this case, the delay is more than 23 years. Therefore, we are not inclined to interfere. This writ appeal is dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
9th June 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

The District Educational Officer,
Sivakasi,
Virudhunagar District.



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AND

K.RAJASEKAR, J.

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