



W.P.(MD)No.5386 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM

**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.5386 of 2022**

1.C.P.Pandi

2.K.Lakshmanan

3.S.Balakrishnan

4.G.Padmavathy

5.P.Senthilarasu

... Petitioners

Vs.

The State of Tamil Nadu,  
Represented by its  
the Additional Chief Secretary to Government,  
Finance Department,  
Secretariat,  
Chennai-600 009.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceeding in G.O.(Ms).No. 41, dated 13.01.2022 quash the same and consequently rectifying the pay anamoly between the petitioners and junior and pay the arrears amount within the time stipulated by this Court.

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For Petitioners

: Mr.D.Selvanayagam

For Respondent

: Mr.S.Shaji Bino,  
Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the impugned order dated 13.01.2022, passed by the respondent, rejecting the petitioners' request for rectification of pay anomaly than that of the petitioners' junior, Sumathi.

2. The petitioners claimed that Sumathi is junior to them, but, she was getting more pay than that of the petitioners in the year 2014, when the petitioners were promoted to a higher post while Sumathi continued in the feeder category. However, the respondent has stated that since the petitioners' junior was awarded selection grade in the feeder category, she was drawing higher pay than that of the petitioners, who were promoted to the higher post without obtaining selection grade in the feeder category. On that ground, the impugned order has been passed rejecting the petitioner's request to rectify the alleged pay anomaly.

3. A counter-affidavit has been filed by the respondent reiterating the contentions of the impugned order by stating that the petitioners are not eligible



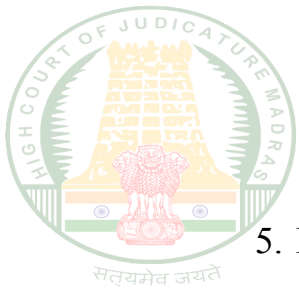
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for rectification of the alleged pay anomaly. However, the petitioners by

placing reliance on G.O.(Ms).No.57, Finance (Pay Cell-II) Department, dated 28.01.1991, would submit that as per the said Government Order, the petitioners are entitled for the prayer sought for in this writ petition. In particular, he drew the attention of this Court to Paragraph No.4 of the aforesaid Government Order, which reads as follows:

*“4. Government also direct that in case, on refixation of pay under Rule 4(3) of the Tamil Nadu Revised Scale of Pay Rules, 1989, junior happens to draw more pay than senior, then the pay of the senior shall also be stepped up on par with that of the junior in that case, the next increment for the senior shall be granted pay after completion of the requisite one year period of service from the date of refixation of pay. Such refixation of pay of the seniors on par with their juniors shall be done by the appointing authorities concerned.”*

4. The learned counsel also drew the attention of this Court to the impugned order and would submit that the respondent under the impugned order has accepted that there was pay anomaly between the petitioners and Sumathi. But, however, despite, acknowledging the said fact, the respondent has not rectified the pay anomaly, but, instead has refused to accept the request of the petitioners to rectify the pay anomaly.

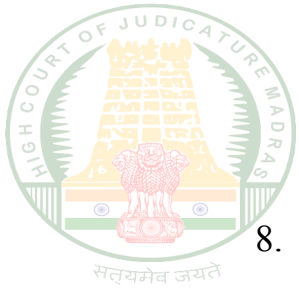


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5. However, on the other hand, the learned Special Government Pleader appearing for the respondent would submit that under the impugned order, the respondent has only given reasons as to why there was pay anomaly between the petitioners and Sumathi, but, never accepted to rectify the alleged pay anomaly, since the petitioners are not eligible to rectify the same in view of the fact that the petitioners were promoted ahead but whereas Sumathi was awarded selection grade in the feeder category and that is the reason why she was drawing more salary than that of the petitioners at the relevant point of time. However, in the impugned order, G.O.(Ms).No.57, Finance (Pay Cell-II) Department, dated 28.01.1991 has not been considered.

6. The learned Special Government Pleader appearing for the respondent would submit that the same will not apply to the case of the petitioners.

7. However, to give one more opportunity to the petitioners to convince the respondent that G.O.(Ms).No.57, Finance (Pay Cell-II) Department, dated 28.01.1991, applies to the case of the petitioners, this Court deems it fit to remand the matter once again before the very same respondent for fresh consideration on merits and in accordance with law.



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8. Accordingly, the impugned order dated 13.01.2022 passed by the respondent is hereby quashed and this writ petition is disposed of by remanding the matter back to the very same respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court after giving due consideration to G.O.(Ms).No.57, Finance (Pay Cell-II) Department, dated 28.01.1991. This Court has not expressed any opinion as to whether the above said Government Order applies to the case of the petitioners or not. It is for the respondent to consider the said Government Order and decide independently as to whether the said Government Order applies to the case of the petitioners or not. The respondent is directed to pass final orders on merits and in accordance with law after providing one more opportunity to the petitioners within a period of three months from the date of receipt of a copy of this order. No costs.

**18.09.2025**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
TSG  
To  
The Additional Chief Secretary to Government,  
Finance Department,  
Secretariat,  
Chennai-600 009.

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**ABDUL QUDDHOSE, J.**

TSG

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