



W.P.(MD)Nos.15547, 15550 and 15554 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD)Nos.15547, 15550 and 15554 of 2019

and

W.M.P.(MD)Nos.12200, 12201, 12203, 12205, 12208 and 12209 of 2019

W.P.(MD)No.15547 of 2019:

R.Usha Rani

... Petitioner

Vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Palani, Dindigul District.

2.The Block Educational Officer II,
O/o.The Block Educational Officer II,
Oddanchatthiram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.5421/Aa4/2019 dated 14.06.2019 on the file of the respondent No.1 and quash the same as illegal and consequently direct the Respondent No.1 to refix the petitioner's salary with effect from 29.05.2011 and pass orders within the time frame stipulated by this Court.



W.P.(MD)Nos.15547, 15550 and 15554 of 2019

W.P.(MD)No.15550 of 2019:

D.Subbulakshmi

... Petitioner

Vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Palani,
Dindigul District.

2.The Block Educational Officer II,
O/o.The Block Educational Officer II,
Oddanchatthiram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.5421/Aa4/2019 dated 14.06.2019 on the file of the respondent No.1 and quash the same as illegal and consequently direct the Respondent No.1 to refix the petitioner's salary with effect from 29.05.2011 and pass orders within the time frame stipulated by this Court.

W.P.(MD)No.15554 of 2019:

S.P.Ravichandran

... Petitioner

Vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Palani,
Dindigul District.



W.P.(MD)Nos.15547, 15550 and 15554 of 2019

2.The Block Educational Officer II,
O/o.The Block Educational Officer II,
Oddanchatthiram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.5421/Aa4/2019 dated 14.06.2019 on the file of the respondent No.1 and quash the same as illegal and consequently direct the Respondent No.1 to refix the petitioner's salary with effect from 16.12.2008 and pass orders within the time frame stipulated by this Court.

(In all Writ Petitions):

For Petitioner : Mr.Rithik Sushil
For M/s.T.Lajapathi Roy

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed challenging the impugned order in Na.Ka.No.5421/Aa4/2019 dated 14.06.2019 on the file of the first respondent and consequently, direct the first respondent to refix the petitioners' salary with effect from 29.05.2011 and 16.12.2008 respectively.



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2. These writ petitioners have approached this Court seeking refixation of their pay on par with their junior, namely, one K.Vasuki. According to the petitioners, they were appointed as Secondary Grade Teachers and subsequently, they were transferred to Panchayat Union Schools in Ottanchatram Taluk, Dindigul District and they were also subsequently promoted. In the meantime, one K.Vasuki was appointed as a Secondary Grade Teacher subsequent to the appointment of the petitioners in the Panchayat Union School, Ottanchatram Taluk.

3. According to the petitioners, K.Vasuki is junior most to them and she is now getting more pay than the petitioners herein. Hence, the petitioners claim that they shall also be paid on par with their junior. They have also sent representations to the District Educational Officer for this purpose and the same were rejected on the ground that the petitioners herein were transferred and joined in Ottanchatram Taluk Dindigul District, thereby, they could not be considered as senior to one K.Vasuki. On that sole ground, their representation for pay parity was rejected. Aggrieved over the same, the present Writ Petitions have been filed.



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4. The learned counsel for the petitioners submits that it is the admitted case of the Department that the petitioners herein are also equally placed with K.Vasuki, since their qualifications are equal and they are also receiving incentive increment for higher qualification. It is also stated that since the petitioners were transferred from other Taluk, they are not entitled for equal pay with K.Vasuki. Hence, the learned counsel prays to set right the pay anomaly.

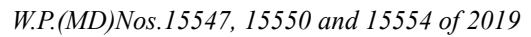
5. Per contra, the learned Additional Government Pleader appearing for the respondents submits that it is true that both the petitioners as well as K.Vasuki are having equal educational qualifications and receiving incentive increments for higher qualification. However, the period of incentive increment claim differs between them. The petitioners herein have obtained incentive increment earlier, which was rather nominal, whereas, the incentive increment claimed by K.Vasuki was in later point of time and as per the prevailing pay rule, the incentive increment was substantial while K.Vasuki was claiming incentive increment. Hence, there is a pay anomaly and though it was not reflected in the impugned orders, the real reason for pay anomaly is the year on which the incentive increments were granted. He has also relied on the comparative chart produced in the typed set of papers.



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6. I have considered the submissions of both sides and perused the materials available on record.

7. The comparative chart filed in the typed set of papers shows that though K.Vasuki was appointed as Secondary Grade Teacher on 07.10.1996, she claimed incentive increment for two higher qualifications and she had been paid advance increment for higher qualification of B.Ed., on 16.12.2008 ($\text{Rs.}150 \times 2 = \text{Rs.}300$). Thereafter, she had also been given advance increment for the higher qualification of M.A., on 29.05.2011, i.e., $\text{Rs.}600 + 600 = \text{Rs.}1200$, whereas, one of the petitioners, namely, Subbulakshmi received advance increment on 25.06.2008, for B.Ed., $\text{Rs.}150 \times 2 = 300$ and for M.A., she had received $\text{Rs.}150 \times 2 = 300$. This shows that the advance increment for M.A., (incentive increment) paid for the said Vasuki was in the year 2011. As far as the petitioner in W.P.(MD).No.15547 of 2019, namely, Usha Rani is concerned, she had also been paid advance increment (incentive increment) as early as on 27.12.2007. Similarly, the petitioner in W.P.(MD).No.15554 of 2019, namely, S.P.Ravichandran had also been paid advance increment (incentive increment) as early as on 01.08.1995. These facts reveal that the petitioners have received the advance increment during the relevant time and incentive increment granted



8. As discussed above, at the time of implementation of the Pay Commission, the junior Vasuki was receiving higher pay due to her claim of incentive increment only in the year 2011 onwards. Hence, her case could not be compared with the petitioners herein on the ground that their junior is getting more pay than her seniors based on her regular pay structure since she is receiving the higher pay due to her belated claim of incentive increment.

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15547 of 2019, namely, Usharani has joined in the Ottanchatram Union even prior to the appointment of Vasuki. Hence, the reason stated in the impugned order for rejection of the claim is not proper. However, in view of the above discussion, the Writ Petition in W.P.(MD).No.15547 of 2019 is not having any valid grounds to sustain and the same is hereby dismissed.

10. As far as the petitioner in W.P.(MD).No.15550 of 2019, namely, Subbulakshmi is concerned, she was originally appointed in Coimbatore District and subsequently transferred and joined in Ottanchatram Union only on 01.07.1998 voluntarily. Hence, she is not entitled to claim that she is senior to the said Vasuki.

11. Similarly, the petitioner in W.P.(MD).No.15554 of 2019, namely, S.P.Ravichandran was originally appointed in Kodaikanal Union on 01.08.1995 and subsequently transferred and joined in Ottanchatram Union only on 29.06.1998. Since he has joined in Ottanchatram Union only in the year 1998, naturally, he would be placed in the seniority list below the said Vasuki, who was originally working in Ottanchatram Union since 07.10.1996. On this ground also, the Writ Petitions are liable to be dismissed.



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12. In the result, the Writ Petitions are dismissed. There shall be no order

as to costs. Consequently, connected miscellaneous petitions are closed.

25.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Educational Officer,
O/o.The District Educational Officer,
Palani,
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- 2.The Block Educational Officer II,
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K.RAJASEKAR,J.

Lm

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