

W.P.(MD) Nos.23377 to 23402 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 16.07.2025

Pronounced On : 21.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) Nos.23377 to 23386, 23388 to 23398 and
23400 to 23402 of 2016

J.Antony Monohar Gnanasekar
EDP. No. 173,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vannarapettai,
Tirunelveli. ...Petitioner in W.P.(MD) No.23377 of 2016

M.Jeyanthi,
EDP No.4760,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Thoothukudi Moffsal Branch,
Thoothukudi District. ... Petitioner in W.P.(MD) No.23378 of 2016

I.Chokkalingam,
EDP.No.4784, Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Thoothukudi City Branch,
Thoothukudi. ... Petitioner in W.P.(MD) No.23379 of 2016

V.Srinivasan,
EDP No.10387,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Kovilpatti Branch,
Thoothukudi District. ... Petitioner in W.P.(MD) No.23380 of 2016



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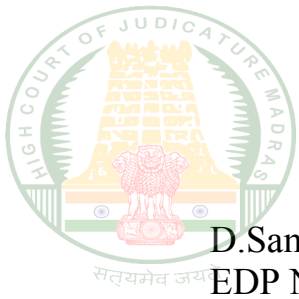
G.Viswanathan,
Staff No. 6395,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Central Office,
Kattabomman Nagar,
Tirunelveli. ... Petitioner in W.P.(MD) No.23381 of 2016

R.Pani Sundar,
EDP No. 4767,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23382 of 2016

V.Geetha,
EDP No. 106,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Thamarabarani Branch,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23383 of 2016

R.Arunachalam
EDP No.7358,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23384 of 2016

R.Muthu Ramalingam,
EDP No. 4436,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Sankarankovil Branch,
Tirunelveli District. ... Petitioner in W.P.(MD) No.23385 of 2016



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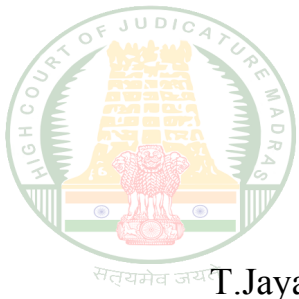
D.Samaraj Baskar,
EDP No. 4756,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tiruchandur Branch,
Thoothukudi District. ... Petitioner in W.P.(MD) No.23386 of 2016

C.Gomathinayagam
EDP No.6485,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vannarapettai,
Tirunelveli ... Petitioner in W.P.(MD) No.23388 of 2016

R.Krishnan,
EDP. No. 111,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23389 of 2016

D.Ponsekar Solomon Manohar,
EDP. No. 5009,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23390 of 2016

I.Devapitchai Asirvatham,
EDP No. 4747,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23391 of 2016



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T.Jayagopal

EDP No.4555,

Selection Grade Superintendent,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,

Central Office, Kattabomman Nagar,

Maharaja Nagar Post,

Tirunelveli.

... Petitioner in W.P.(MD) No.23392 of 2016

E.Jayaseel Thiagarajan,

EDP No. 6495,

Selection Grade Superintendent,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,

Central Office, Vannarapettai,

Tirunelveli.

... Petitioner in W.P.(MD) No.23393 of 2016

G.Muthukumar,

EDP No. 6038,

Selection Grade Superintendent,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,

Central Office,

Kattabomman Nagar,

Maharaja Nagar Post,

Tirunelveli.

... Petitioner in W.P.(MD) No.23394 of 2016C.

C.Shivaji,

EDP No.177,

Selection Grade Superintendent,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,

Central Office,

Vannarapettai,

Tirunelveli.

... Petitioner in W.P.(MD) No.23395 of 2016

P.Thangaswamy

EDP.No.175,

Selection Grade Superintendent,

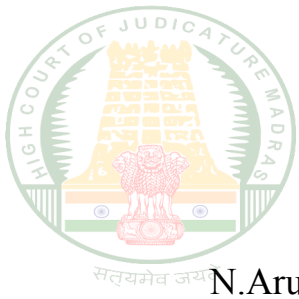
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,

Central Office,

Vannarapettai,

Tirunelveli.

... Petitioner in W.P.(MD) No.23396 of 2016



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N.Arumugam,
Staff No. 2354,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Central Office,
Tirunelveli. ... Petitioner in W.P.(MD) No.23397 of 2016

S.Susil Kumar
EDP.No.5819,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vanarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23398 of 2016

K.P.Elango,
EDP. No. 512,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.
Central Office,
Vannarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23400 of 2016

R.Bala Singh,
EDP.No.4746
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Central Office,
Vanarapettai,
Tirunelveli. ... Petitioner in W.P.(MD) No.23401 of 2016

T.Sivasankaranarayanan
EDP.No.4758,
Selection Grade Superintendent,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Thenkasi Branch,
Tirunelveli District. ... Petitioner in W.P.(MD) No.23402 of 2016



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Vs.

1. The Managing Director
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Kattambomman Nagar,
Tirunelveli District

2. The General Manager
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tirunelveli Region,
Vannarapettai,
Tirunelveli.

... Respondents in all the writ petitions

COMMON PRAYER in all Writ Petitions:

To issue any writ order or direction more particularly a Writ of Mandamus, directing the Respondents to step up the pay of the petitioner like those of other similarly placed person and on par with his junior M.Thankam Ponnamal from the date on which the pay anomaly occurred with monetary and other service benefits with in a time that may be fixed by this Court.

APPEARANCE OF PARTIES:

(In all Writ Petitions)

For Petitioners : Mr.S.Govindan

For Respondents : Mr.R.Rajamohan,
Standing Counsel



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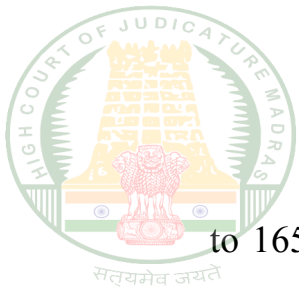
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COMMON JUDGMENT

Heard.

2. These 24 writ petitions raise a common issue regarding the claim of pay parity by the petitioners, all of whom are retired employees of the Tamil Nadu State Transport Corporation (Tirunelveli) Ltd. The petitioners seek a direction to the respondent Corporation to step up their pay and extend consequential pensionary benefits on par with one Tmt. M. Thangam Ponnammal, who was allegedly junior to them in service but was accorded higher terminal benefits upon retirement.

3. These petitions were originally allowed at the admission stage on 01.12.2016 by a learned Single Judge, on the basis of submissions made by the petitioners and in the absence of any substantial dispute raised by the Corporation. However, in the appeals filed by the Corporation in W.A.(MD) Nos. 1217 of 2017 etc., the Division Bench allowed the Corporation to move review petitions. Upon dismissal of the review petitions by the learned Single Judge for want of jurisdiction under Order XLVII Rule 1 CPC, the writ appeals in W.A(MD)Nos.1636

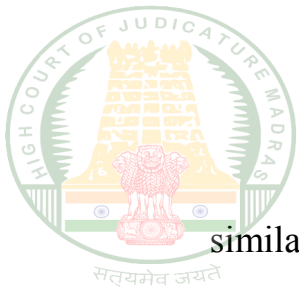


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to 1659 of 2023 were entertained, the orders dated 01.12.2016 were set aside, and the writ petitions were restored for fresh adjudication on merits with specific direction to call for counter affidavits from the Corporation in each case .

4. The petitioners claim that they were all recruited into the Corporation as Junior Assistants or in equivalent categories such as Clerk (Trainee), Record Clerk, or Computer Programmer (Trainee), and were later promoted through departmental channels to the post of Superintendent. They contend that Tmt. Thangam Ponnammal, who was appointed later as Junior Steno Apprentice and also retired as Superintendent, was paid higher at the time of retirement despite being their junior, thereby creating a pay anomaly that offends Article 14 and 16 of the Constitution.

5. It is the petitioners' further contention that the pay disparity is not based on merit or performance, but has arisen solely because of improper fixation or preferential treatment, and that such inequality violates the principle of equal pay for equal work. They urge that the benefit extended to Thangam Ponnammal must be made applicable to all



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similarly situated employees.

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6. The Corporation, in its counter affidavits, has strongly opposed the writ petitions and placed on record a detailed tabular chart tracing the career progression of each petitioner vis-a-vis that of Tmt. Thangam Ponnammal. It is pointed out that she was appointed as Junior Steno Apprentice and progressed through the Stenographer stream (Junior Steno ? Assistant Steno ? Senior Steno ? Special Grade Assistant ? Superintendent), whereas the petitioners followed a different promotional channel (Junior Assistant ? Assistant ? Senior Assistant ? Special Grade Assistant ? Superintendent).

7. It is further submitted by the Corporation that the post of Junior Steno required a distinct set of qualifications—specifically, a university degree with technical qualifications in typewriting (English – higher grade), typewriting (Tamil – lower grade), and shorthand (English or Tamil – lower grade)—whereas the entry-level posts held by the petitioners required only a basic university degree. As such, the two streams were governed by different service conditions, recruitment rules, and skill requirements .



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WEB COPY 8. Relying on the decision of the Hon'ble Supreme Court in ***Union***

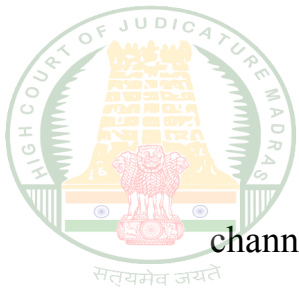
of India V. R. Swaminathan, [(1997) 7 SCC 690], the Corporation contends that pay parity can be claimed only when the following conditions are cumulatively satisfied:

(i) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre;

(ii) The scales of pay of the lower and higher posts should be identical and ;

(iii) The anomaly should be directly as a result of the application of Fundamental Rule 22- C which is now Fundamental Rule 22(1)(a)(1).

9. In that decision, the Hon'ble Apex Court categorically held that when the cadre, scale of pay, and service conditions differ, stepping up of pay cannot be claimed as a matter of right. Pay differentials caused by earlier officiation, ad hoc promotion, or differing pay scales do not constitute “anomaly” under FR 22(1)(a)(1) unless the posts are identical in all respects. On this basis, the Corporation asserts that the pay granted to Tmt. Thangam Ponnammal was a result of her service in a distinct

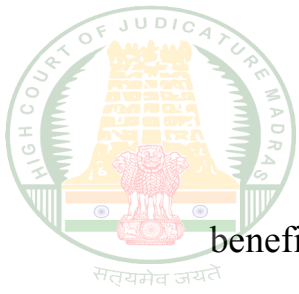


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channel and does not give rise to any enforceable claim of parity by the petitioners .

10. Upon due consideration of the pleadings, submissions, and records produced, this Court is unable to find merit in the petitioners' claims. The service histories make it abundantly clear that the petitioners and the comparator entered service in different streams—Administrative (General) and Stenographic (Technical), respectively. The qualifications required, the promotional hierarchies, and the functional duties were not identical. Even though both streams culminated in the post of Superintendent, the promotional paths leading thereto diverged significantly from inception.

11. It is well settled that pay parity is not a mechanical exercise in mathematical equality but must be grounded in substantial equivalence in responsibility, skill, qualification, and service conditions. In the present case, the petitioners have not been able to demonstrate that the anomaly complained of arises due to the erroneous application of FR 22(1)(a)(1). On the contrary, the Corporation has shown that the pay difference is traceable to different service streams and the unique qualifications and



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benefits that accrue therefrom. The test laid down in R. Swaminathan is not met.

12. While the Court is not unmindful of the petitioners' long service and their perception of unfairness, constitutional equity does not mean uniformity where legitimate classification exists. The petitioners were not denied any benefits that were due to them under their service conditions, and no legal or constitutional infirmity has been shown in the pay fixation of either party.

13. Accordingly, all the Writ Petitions are dismissed. There shall be no order as to costs.

21.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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To

1. The Managing Director
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Kattambomman Nagar,
Tirunelveli District
2. The General Manager
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tirunelveli Region,
Vannarapettai,
Tirunelveli.



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgments made in
W.P. (MD) Nos.23377 to 23386, 23388 to 23398 and
23400 to 23402 of 2016

21.07.2025