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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WP NO. 10066 OF 2013

G.Usha
W/o.C.R.Chandra Raj,
Deputy Secretary to Government, Public Elections
Department, Fort St. George, Chennai-9

..Petitioner(s)

Vs

The Secretary To Government
Personnel and Administrative Reforms (U.Spl.)
Department, Fort St. George, Chennai-9

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the records of the respondents in connection with the impugned orders passed by him in Lr. No.1084/U.Spl./2013-1 dated 19.3.2013 and quash the same and further direct the respondents to upgrade the pay of the petitioner as Joint Secretary to Government and step up her pay at par with her junior M.Sampath who is serving in the Finance Department with effect from 1.12.2010 with all consequential service and monetary benefits.

For Petitioner(s): Mr.M.Alagu Goutham
for Mr.M.Muthappan

For Respondent(s): Mr.C.P.Gowtham
Government Advocate

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ORDER

This Writ Petition has been filed to quash the impugned order passed by the respondent in Lr.No.1084/U.Spl./2013-1 dated 19.3.2013 and further direct the respondent to upgrade the pay of the petitioner as Joint Secretary to Government and step up her pay at par with her junior M.Sampath who is serving in the Finance Department with effect from 1.12.2010 with all consequential service and monetary benefits.

2. It is the case of the writ petitioner that she participated in the selection process for the appointment to the post of Junior Assistant through the Tamil Nadu Public Service Commission (TNPSC) in the year 1983 and was subsequently appointed to service as Junior Assistant in the Public Department of the Secretariat on 02.07.1984. The petitioner was promoted as an Assistant Section Officer in the year 1989 and thereafter, as a Section Officer in the year 2007. The petitioner was subsequently promoted to the post of Under Secretary in June 2009 and further promoted as Deputy Secretary in August 2011 and the petitioner superannuated on 30.11.2012.

3. It is the further case of the writ petitioner that at the time of her appointment as Junior Assistant, there was no separate unit for Finance Department. Subsequently, the departments were bifurcated. While the

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petitioner continued in the secretariat service, certain other individuals were allotted to the Finance Department and various other departments. The petitioner, by relying on the Government Orders in G.O.Ms.No.126 P & AR (U Spl) Department dated 29.05.1998, G.O.Ms.No.171 P&AR Dept. dated 28.09.2026 and G.O.Ms.No.154 P&AR Dept. dated 30.10.2009, claimed that she was entitled to equal pay as that of her juniors who are working in the Finance Department. The representation sent by the petitioner to the Department was rejected by the impugned order dated 19.03.2013. Challenging the same, the petitioner has approached this Court by way of the present writ petition.

4. The respondent has filed a detailed counter inter-alia supporting the impugned order.

5. The Government Advocate appearing for the respondent submitted that the impugned order was passed considering the relevant Government Orders and service law and he prayed for the dismissal of the writ petition.

DISCUSSION:

6. Heard the counsel for the petitioner and the Government Advocate for the respondent and perused the materials available on record.

7. The scanned copy of the impugned orders is placed hereunder:

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Personnel and Administrative Reforms (U.Spl.) Department, Secretariat, Chennai – 600 009.

Letter No.1084/U.Spl/2013-1, dated 19.03.2013

From
Tmt.C.B.Shanthi,B.A.,B.Ed.,
Deputy Secretary to Government.

To
Tmt.G. Usha,
Deputy Secretary to Government (Retd),
Plot No.130, Door No.3A,
Senathipathi Street, Kamatchi Nagar,
Valasaravakkam, Chennai-87.

Madam,

Sub: W.P. No.32332 of 2012 filed by Tmt.G. Usha, Deputy Secretary to Government(Retd.) – Orders passed – Reply furnished.

Ref: 1. Hon'ble High Court of Madras order dated 04.12.2012 in W.P. No. 32332/2012.
2. From Tmt.G.Usha, Deputy Secretary to Government (Retired), Chennai-87 letter dated 11.01.2013.

I am directed to invite your attention to the references cited and to inform you that as per the orders of the Hon'ble High Court of Madras in W.P. No. 32332 of 2012, dated 04.12.12, your representation has been examined in detail.

2. In this connection, I am to state that in G.O. (Ms) No. 126, Personnel and Administrative Reforms (U.Spl.) Department, dated 29.05.1998, orders were issued for upgradation and stepping up of post/pay of the seniors in One Unit who had been recruited to the Tamil Nadu Secretariat Service on or before 28.01.1994 on par with their juniors in the Finance Unit with effect from 29th May 1998 on certain terms and conditions as one time affair, as a lasting equitable solution to the long standing anomaly between seniors in One Unit departments and juniors in the Finance Department. Subsequently, in order to rectify the anomaly of juniors in One Unit who got upgradation/more pay than seniors in One Unit, consequent on the above orders, further orders have been issued in G.O. (Ms) No. 171, Personnel and Administrative Reforms (U.Spl.) Department, dated 28.09.2006 to the effect that the Assistant Section Officers (p.t.o.)

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promoted from the post of Assistant (formerly Junior Assistants) who were seniors to the Assistant Section Officers promoted from the posts of Typist/Personal Clerk, in the combined seniority list of Assistant Section Officers as on 29.05.1998 be given the pay parity and upgradation on par with their juniors, who were promoted from the posts of Typist/ Personal Clerk by applying the yardstick prescribed in the G.O. (Ms) No. 126, Personnel and Administrative Reforms (U.Spl.) Department, dated 29.05.1998.

3. Further, orders have also been issued in G.O. Ms. No. 154, Personnel and Administrative Reforms(U.Spl.) Department, dated 30.10.2009 for upgradation/ stepping up of pay of the seniors in One Unit who have been recruited to the Tamil Nadu Secretariat Service before 28.01.1994 and promoted as Assistant Section Officers from the category of Assistant (formerly Junior Assistant) only who are in service on the date of issue of this order on par with their juniors in the Finance Unit with effect from the date of issue of this order as another one time affair, subject to the terms and conditions prescribed in the in G.O. (Ms) No. 126, Personnel and Administrative Reforms (U.Spl.) Department, dated 29.05.1998. Based on the above said orders, no one is entitled for upgradation/stepping up of pay of seniors in One Unit, whenever the junior in Finance Unit, got promotion, after issuing and fixing a cut-off date for getting the benefits of the said orders.

4. In view of the above, your request made in the reference second cited is not feasible of compliance.

Yours faithfully,

V. Amudharama 19.03.13

for Deputy Secretary to Government.

19/03/2013

Copy to:
The Government Pleader,
High Court of Madras, Chennai-104.

The Public (Spl.A/Elections) Department,
Secretariat, Chennai-9.

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8. In the impugned order, the Department has made it clear that the pay comparison by the writ petitioner with certain juniors is not legally sustainable in view of the fact that they got promoted in another department namely, the Finance Department and only due to that promotion, they are getting higher pay of scale. Additionally, the petitioner has not reached the level which her juniors have reached in the Finance Department. Therefore, the petitioner's claim that she should be paid on par with her juniors is not legally sustainable.

9. The Government Orders relied upon by the petitioner relate only to the increase in pay for individuals who were allotted to different departments following the bifurcation. The increase in pay had already been carried out in the present case and only subsequent to that, the concerned individuals are getting their pay within their separate department. Therefore, the petitioner cannot once again ask for equal pay citing the said Government Orders.

10. Therefore, there is nothing available for legal adjudication in the present writ petition.

11. Accordingly, the writ petition is dismissed. No costs.

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To
The Secretary To Government
Personnel and Administrative Reforms (U.Spl.)
Department, Fort St. George, Chennai-9

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KRISHNASWAMY GOVINDARAJAN, J.

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