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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.02.2026
PRONOUNCED ON : 27.02.2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP Nos.7318, 7532 and 9420 of 2021 and
WMP Nos.8061, 7821, 10007 and 10008 of 2021

D.Daniel	Petitioner in W.P.No.7318 of 2021
G.Vijaya	Petitioner in W.P.No.7532 of 2021
J.Selvin	Petitioner in W.P.No.9420 of 2021

Vs

1. The Secretary to Government,
Personnel and Administrative Reforms
(U-Special) Department,
Secretariat, Chennai- 600 009.

2.The State of Tami Nadu,
Rep. by the Secretary to Government,
'Finance Department' Secretariat,
Chennai- 600 009.

3.The Secretary to Government
Public (Special- A and Special- B)
Department, Secretariat,
Chennai- 600 009.

4.Tmt.S.Saraswathy,
Under Secretary to Government (Retired)
(Upgraded Joint Secretary to Government)
Environment and Forest Department,
Plot No.64 A, Main Road,
Sri Kamakotti Nagar, Valasaravakkam
Chennai- 600 087.

Respondents in all cases



COMMON PRAYER Writ Petitions filed under Section 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, directing the first and the second Respondents herein to call for records of the Impugned orders of the first Respondent issued in G.O (MS) No.110 dated 29.09.2020 Letter No.22306/U-Spl/2019-4 dated 19.11.2020 and quash both and consequently upgrade the Petitioner as Joint Secretary to Government on par with the Junior Tmt.Saraswathi the fourth respondent with retrospective effect from 13.07.2012 and to grant all consequential benefits including fixation of pay notionally and consequentially revise the retirement and pensionary benefits and disburse all monetary benefits with effect from 01.03.017 within a limited time frame as the petitioner is a senior citizen.

In all cases

For Petitioners: Mr.K.S.Govinda Prasad

For Respondents: Mrs.V.Yamunadevi,
Special Government Pleader
for R1 to R3
Mr.R.Mahalaingam for R4

COMMON ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and the counsel appearing on behalf of the fourth respondent and perused the records.

2. Since the issue involved in all the Writ Petitions is one and the same, with the consent of the learned counsel appearing for the petitioners in all the Writ Petitions and the learned Special Government Pleader and the learned counsel appearing on behalf of the fourth respondent, all the Writ Petitions are



taken up together for hearing and disposal.

3. The learned counsel for the petitioners would submit that the Writ Petition W.P.No.7532 of 2021 may be taken as the base case for deciding the issue involved in the Writ Petitions and the learned Special Government Pleader and the learned counsel appearing for the fourth respondent, have no objection for taking the aforesaid case as basis for deciding the issue.

4. Since, the parties have consented to take up W.P.No.7532 of 2021 as the base case for deciding the issue, the facts as stated in the said petition are referred to for convenience:

The petitioner by the present Writ Petition has impugned the Government Order issued in G.O.(Ms).No.110, Personnel and Administration Reforms (U.Spl), Department, dated 09.09.2020 and the letter of the first respondent bearing number 22306/U.Spl./2019-4, Personnel and Administration Reforms (U.Spl), Department, dated 19.11.2020, and to quash both, and for a consequential direction to upgrade the petitioner as Joint Secretary to Government on par with her /his junior i.e., fourth respondent with retrospective effect from 13.07.2012 and to grant all consequential benefits including fixation of pay notionally and consequently retirement and pensionary benefits and to pass all monetary benefits with effect from 01.03.2017 within a time frame.



5. The case of the petitioners in brief is that they were all appointed as Assistants on various dates by way of direct recruitment through Tamil Nadu Public Service Commission (in short TNPSC) in Secretariat Service and were promoted as Assistant Section Officers during the year 1990.

6. It is the further case of the petitioners that as the respondents undertook recruitment for all the vacancies in the cadre of Assistants in the Secretariat, all the appointed candidates belonged to 'one unit'; that the selected candidates were allotted to various departments randomly; and that all the employees are governed by Tamil Nadu Secretariat Service Rules.

7. It is the further case of the petitioners that it is only in the year 1994, the Government Order by G.O.Ms.No.30, Personnel and Administrative Reforms (Per.D), Department, dated 28.01.1994, separated Law and 'Finance Department' from the Secretariat Service and till such time, all the departments of Secretariat were treated as 'one unit'.

8. Petitioner(s) contended that the Assistants who were recruited by TNPSC and allotted to various departments, particularly the candidates who were allotted to Law and Finance Department, got promotion earlier than the



Assistants recruited and allotted to other departments of Secretariat Service, even though they are junior to them; that on account of the above, some of the aggrieved employees approached the Tamil Nadu Administrative Tribunal seeking redressal of their grievance; that the Tamil Nadu Administrative Tribunal had allowed the petitions; that on account of the orders of Tribunal, the Government, in order to remove / rectify the anomaly between the seniors in 'one unit' and their juniors in 'Finance Department', had issued G.O.No.126, Personnel and Administration Reforms (U.Spl), Department, dated 29.05.1998, granting upgradation and stepping up of pay to the seniors in "one unit" on par with their juniors in "Finance Unit" as one time affair.

9. It is the further case of the petitioner(s) that on account of implementation of G.O.No.126, dated 29.05.1998, certain anomalies arose within the employees in 'one unit' itself for which representations were made by Seniors in combined seniority and by Secretariat Association; that the Government vide G.O.(Ms).No.171, Personnel and Administrative Reforms (U-Spl), Department, dated 28.09.2006 had rectified the anomaly in "one unit" by granting upgradation and stepping up of pay to the seniors based on combined seniority list drawn prior to 29.05.1998.

10. The petitioner(s) also contended that the Government by G.O.



(Ms).No.171, dated 28.09.2006 also requested the 'Finance Department' to identify the anomalies of Seniors working in 'Finance Department' for stepping up of their pay and accordingly rectified such grievance.

11. Petitioner(s) further contended that on the Government issuing person oriented upgradation to the fourth respondent who is junior to her in the cadre of Assistant Section Officer / Section Officer and Under Secretary in 'one unit' from Section Officer to Joint Secretary, she had filed a Writ Petition vide W.P.No.18351 of 2019 and this Court by order dated 18.10.2019, directed the respondents to consider the representation dated 09.01.2019 submitted by her.

12. It is the further case of the petitioner(s) that the Government by considering the representation received from Tamil nadu Secretariat Association dated 02.11.2009 seeking for upgradation of the post and step up of pay in respect of Assistant Section Officer promoted from the category of Personal Clerk / Typist in 'one unit', on par with their junior in 'Finance Unit', had issued G.O.(Ms).No.112, Personnel and Administrative Reforms, (U.Spl) Department, dated 13.07.2012, conferring the benefit of upgradation, stepping up of pay on par with their Junior in 'one unit', similar to the benefit granted under G.O. (Ms).No.154, dated 30.10.2009, from the combined seniority list of Assistant Section Officers' who are in service.



13. Petitioner(s) further contends that the fourth respondent herein had challenged the aforesaid G.O, particularly paragraph Nos.6 and 14 thereof, by way of Writ Petition vide in W.P.No.25556 of 2013; and that this Court by an order dated 08.04.2014 had quashed the aforesaid G.O. insofar as direction issued for upgradation / stepping up of pay on par with the juniors in "one unit" only and not with juniors in 'Finance Department'; that this Court while quashing Para-6 of the G.O.(Ms).No.112, dated 13.07.2012 and accordingly, directed the respondents to give similar benefit to the petitioner therein as granted to the promotees to the post of Assistants under G.O.(Ms).No.154, dated 30.10.2009 by making necessary amendment to G.O.(Ms)No.112, dated 13.07.2012; that pursuant to the aforesaid direction of this Court, the respondents have issued G.O.(Ms).No.31, Personnel and Administration Reforms (U.Spl), Department, dated 01.03.2017, whereby the persons who were promoted as Assistant Section Officers from the post of Personal Clerk / Typists, were granted upgradation and stepping up of posts and pay subject to the conditions mentioned therein.

14. It is the further case of the petitioner(s) that on account of the respondents issuing G.O.(Ms).No.31, dated 01.03.2017 granting upgradation of stepping up of post and pay for the persons promoted as Assistant Section



Officers from the post of Personal Clerk / Typist, the petitioner(s) who were appointed as Assistants and Senior to the fourth respondent in Assistant Section Officer as per the combined Seniority list became junior to the fourth respondent, though they all belonged to "one unit".

15. Thus, the petitioner(s) seek for being granted benefit on par with the persons who were granted upgradation and stepping up of pay and post in which the petitioner(s) is working as Deputy Director as Joint Director with all consequential benefits.

16. Common counter affidavit filed on behalf of the official respondents and a separate counter affidavit on behalf of the private respondent, is filed.

17. The respondents 1 to 3 by the common counter affidavit filed contended that the petitioner(s) herein who were initially appointed as Assistants prior to 28.01.1994 had already availed the benefit under G.O.No.126, dated 29.05.1998, G.O.(Ms).No.171, dated 28.09.2006, G.O.(Ms).No.154, dated 30.10.2009.

18. The respondents by the counter affidavit further contended that as the benefits under G.O.(Ms).No.154, dated 30.10.2009 were not extended to the



promotees from Personal clerk / Typist and is confined only to promotees from the post of Assistants, the Government had issued G.O.(Ms)No.112, dated 13.07.2012; that on this Court in W.P.No.25556 of 2013 quashing the said G.O. with directions to issue fresh G.O., the respondents have issued G.O. (Ms).No.31, dated 01.03.2017, incorporating the directions issued by this court in the aforesaid writ petition.

19. The respondents by the counter affidavit further contended that the order of this court in W.P. No. 25556 of 2013 was affirmed by a Division Bench of this Court in W.A.No.971 of 2014 and SLP No.12920 of 2016 preferred by the State before the Hon'ble Supreme Court, also failed. Thus, the order was implemented by issuing G.O.(Ms).No.31, dated 01.03.2017.

20. On behalf of the respondents, it is also contended that since, the petitioners who were appointed as Assistants had already availed the benefit of upgradation and stepping up of pay in terms of G.O.(Ms).Nos.126, 171 and 154, which benefit, however, was not extended to promotees appointed from Personal Clerks / Typists under G.O.(Ms).No.154, dated 30.10.2009 though forming part of 'one unit' resulted in anomaly; and that the said anomaly was rectified by issuing G.O.(Ms)No.112, dated 13.07.2012 and G.O.(Ms).No.31, dated 01.03.2017, as such the petitioner(s) cannot claim that the benefit is to be



extended to them once again.

21. On behalf of the respondents, it is also contended that the fourth respondent was appointed to the post of typist much prior to the petitioner being appointed in the post of Assistant; and that the petitioners having already been granted the upgradation and step up of pay as "one-time affair" under G.O.No.126, dated 29.05.1998, and again as 'another one time affair' under G.O.(Ms).No.154, dated 30.10.2009, cannot continue to claim step up of pay / post and upgradation continuously; and that the petitioner(s) appointed as Assistants and promoted as Assistant Section Officers under G.O.No.126, dated 29.05.1998 and G.O.(Ms).No.154, dated 30.10.2009 on the basis of their claim that their Junior in 'Finance Department' have secured promotions, are seeking pay / post parity with the separate class / category of recruits namely, typist / personal clerk promotees, solely on the basis of "one unit" without establishing existence of any anomaly among their own class of promotees of 'one unit' and 'Finance Department'.

22. The Respondents by the counter affidavit further contended that the petitioner by ignoring the seniority list of Assistant, is seeking pay / post parity on the basis of combined seniority list of Assistant Section Officer of 'one unit', which if accepted, would result in one more round of anomaly, as the same would disturb the seniority given by TNPSC at the time of recruitment in the



respective categories / class.

23. The respondents by the counter affidavit also contended that taking the aforesaid facts into consideration, the Government had issued amendment to paragraph number 11 of G.O.(Ms).No.31, dated 01.03.2017 by G.O. (Ms).No.110, dated 09.09.2020; that assailing the said amendment multiple writ petitions have been filed before this Court; and that a Coordinate bench of this Court vide order dated 27.09.2024 in W.P.Nos.15269 and 16906 of 2020, had upheld the aforesaid G.O.

24. On behalf of the respondents, it is further contended that since, the challenge to G.O.(Ms).No.110, dated 09.09.2020 has been rejected by this Court, the present writ petition wherein also, the petitioner had challenged the G.O.(Ms).No.110, dated 09.09.2020 with consequential relief cannot be considered. Contending as above the respondents seek for dismissal of the writ petition.

25. The fourth respondent by the counter affidavit contended that the petitioner herein had sought for similar relief in W.P.No.18351 of 2019 wherein she was the second respondent and the said writ petition was disposed of by this Court as early as in 2020 itself; and that by suppressing the aforesaid fact, the petitioner filed the present writ petition.



26. The fourth respondent by the counter affidavit contended that this Court while disposing of the aforesaid writ petition, had directed the respondents to consider the representation of the petitioner dated 10.03.2017 and 09.01.2019 and pass orders on merit; and that on the afore stated representations being forwarded by the Government Pleader in the aforesaid writ petition and the Government passing orders thereon, the petitioner had filed the present writ petition arraying her as the fourth respondent, though she is no way concerned with the order passed by the respondent authorities.

27. The fourth respondent by the counter affidavit further contended that she having retired from service in the year 2014, the petitioner had arrayed her as party / respondent under the impression that she would support their case. The fourth respondent by the counter affidavit further contended that since, her seniority in the cadre of Assistant Section Officer in the Secretariat Service was not fixed properly, she was constrained to approach the Court and having succeeded therein, the petitioner(s) cannot feel aggrieved.

28. It is also contended that the fourth respondent is unnecessary to the present proceedings, as the Government is the deciding authority on the issue. Contending as above, the learned counsel appearing on behalf of the fourth respondent, had adopted the submissions made by the learned Special



Government Pleader, on the other issues.

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29. In reply, the learned counsel for the petitioner submitted that he is not assailing G.O.(Ms).No.110, dated 09.09.2020 but is restricting the relief sought only seeking upgradation / parity as granted to the fourth respondent.

30. I have taken note of the respective contentions urged by the learned counsel appearing on either side.

31. A perusal of the Government Orders and the claim being made by the petitioner(s) herein would go to show that, what was construed as 'one-time affair' in the year 1998 and again as 'another 'one-time affair' in the year 2009 is sought to be converted into regular affair of seeking upgradation / stepping up of post and pay, on a continuous basis by claiming anomaly sometime between 'one unit' and 'Finance Department', another time within 'one unit' and once again claiming disparity between juniors in 'Finance Department' and Seniors in 'one unit' on account of their promotion. Thus, what was considered and construed as 'one time affair' initially and again as 'another one time affair' has been converted into a never ending affair.

32. Though on behalf of the petitioner, it is contended that he is not



assailing G.O.(Ms).No.110, dated 09.09.2020 and is only seeking pay / post parity with that of the fourth respondent, it is to be noted that the petitioner by the present writ petition has assailed G.O.(Ms).No.110, dated 09.09.2020, and sought for quashing of the said G.O and the letter dated 19.11.2020 issued by the first respondent on the basis of the aforesaid G.O. If the petitioner gives up challenge to G.O.(Ms).No.110, dated 09.09.2020, nothing remains in the writ petition to be considered as the consequential proceedings of the first respondent is based on G.O.(Ms).No.110, dated 09.09.2020.

33. Insofar as the challenge to G.O.(Ms).No.110, dated 09.09.2020 is concerned, the said challenge being subject matter of consideration by a Coordinate bench of this Court in WP No.15269 and 16906 of 2020, wherein this Court by an order dated 27.09.2024 while rejecting the challenge, having noted that a mischief is being played by some employees, who are working in the Secretariat while issuing G.Os from time to time, thereby, making recurrent claims for upgradation of pay / post parity from time to time, the challenge in the present writ petition would have to be considered as part of said mischief.

34. The petitioners while claiming to be a part of "one unit" are seeking parity among different class of recruitees namely the Assistants, Personal Clerks and Typists. Admittedly, the recruitment to the aforesaid three categories was



undertaken at different times under different notifications with qualification being different, for eg. in order to be appointed as typists, one need to have the required qualification in typewriting, while the same is not the case, with recruitment to the post of Assistant.

35. The petitioner(s) herein having got recruited as Assistant under notification issued during 1984 and 1986 are seeking parity with the fourth respondent who was appointed as Typist in the year 1978 and granted pay parity with her junior, one Mr.Ayyavoo, who has been deputed to work in 'Finance Unit' and been promoted. The petitioner(s) can seek pay parity / upgradation, if only their junior who was appointed as Assistant and allotted to work in 'Finance Unit' being in higher post or drawing higher emoluments.

36. Though in the initial stages such disparity having occurred, the respondent / Government having rectified the same, as "one-time affair" by G.O.No.126, dated 29.05.1998, and thereafter once again in respect to Assistants who are promoted as Assistant Section Officers, as 'another one-time affair' under G.O.(Ms).No.154, dated 30.10.2009, the issue of disparity / anomaly among the class of 'Assistants' stands closed. Thus, the petitioner cannot claim of existence of disparity by comparing themselves with Assistant Section Officers who are promoted from Personal Clerk or Typist, ignoring the



method of their selection or year of their recruitment, etc., and the seniority assigned to them by TNPSC at the time of their recruitment, only on the basis of combined seniority list prepared in the cadre of Assistant Section Officers, on promotion.

37. Further a reading of the Government Order i.e., G.O.Nos.126 and 154, under which the petitioners have reaped the benefit, makes it clear that the solution ordered by the Government is 'one-time affair' and any subsequent movement upward or downward, either in the 'Finance Unit' or in the 'one unit' after the date of issue of this order, will not come under the purview of the upgradation / stepping – up of the pay ordered, thereunder.

38. The relevant clause of G.O.No.126, dated 29.05.1998 reads as under:

10. The Government accordingly direct that:-

i...

ii...

iii...

iv...

iv....

v. in respect of the Typists / Personal Clerks / Personal Assts. in 'one unit' who have not relinquished their right for promotion as Assistant Section Officer and are still awaiting their turn for promotion as Assistant Section Officer, their pay shall be upgraded to Assistant Section Officer scale on par with their immediate junior in the 'Finance Unit' who got his promotion as Assistant Section



Officer.

38. Further, the upgradation ordered was subject to the terms and conditions specified in paragraph 12 thereof. The relevant conditions of the G.O. reads as under:

12. The upgradation ordered above is subject to the following terms and conditions:

(1)

(2)

(3)

(4)

(5) The solution ordered in this Government Order, is a one time affair and any subsequent movement upward or downward, either in the 'Finance Unit' or in the 'one unit' after the date of issue of this order, will not come under the purview of the upgradation / stepping – up of the pay now ordered.

39. The Government thereafter once again vide G.O.(Ms).No.154, dated 30.10.2009 had sought to undertake rectification of anomaly between Seniors in 'one unit' and Juniors in 'Finance Unit' by ordering upgradation and stepping up of pay / post on par with juniors in the 'Finance Unit' as 'another one-time affair'. The Government by the aforesaid G.O also took note of the fact that some of the seniors in 'Finance Unit' are also required to be upgraded in the post or pay on par with their juniors in 'one unit'. The said fact belies the claim of the



petitioners that it is only the personnel who were working in 'Finance Unit' secured promotion and drawing higher emoluments than the seniors in 'one unit'.

40. Since, the respondents have addressed the issue of pay and post parity between 'one unit' and 'Finance Unit' under the aforesaid G.O, curtains are drawn with regard to any claims of disparity among the Assistants working in 'one unit' and Assistant deputed to work in 'Finance Unit' and securing promotions.

41. However, as by the aforesaid G.O., the disparity was rectified only in respect of employees in service, the Retired Employees Association has assailed the said G.O. by filing Writ Petition vide W.P.No.26009 of 2011, and this Court by order dated 08.01.2014, rejected the said challenge of the retired employees for not extending the benefit under G.O.(Ms).No.154, dated 30.10.2009.

42. It is to be noted that the Government while issuing G.O.(Ms).No.154, dated 30.10.2009 as 'another one time affair', confined such rectification of post / pay disparity by granting upgradation / step-up of pay only to Assistant Section Officers who are promoted from the cadre of Assistant, (formerly Junior Assistant) and excluded the Assistant Section Officer / Superintendent who are



promotees from Typists / Personal Clerks. As a matter of fact, G.O. (Ms).No.154, dated 30.10.2009 specifically records that the rectification of pay / post anomaly in respect of typists / Personal clerks promotees, would be taken up separately. It is on account of this exclusion, the Government was required to issue another Government Order vide G.O.(Ms).No.112, dated 13.07.2012 on the same lines, this time extending the benefit of post / pay parity for Assistant Section Officer Promotees from typists / Personal Clerks appointed before 28.01.1994, with their counter parts in 'Finance Unit'.

43. However, as the Government while issuing the G.O.(Ms)No.112, dated 13.07.2012 did not extend the benefit on the same lines as in G.O. (Ms).No.154, dated 30.10.2009 and also did not fix the seniority of the fourth respondent properly over her junior deputed to work in 'Finance Unit, the fourth respondent had approached this Court by filing W.P.No.25556 of 2013 of 2019. This Court while examining her claim under GO(Ms) No.112, had quashed the aforesaid G.O and issued directions to the respondents to grant upgradation / stepping up of petitioner's pay on par with the juniors as granted to the promotees from the post of Assistants under G.O.(Ms).No.154, dated 30.10.2009 by way of necessary amendments to G.O.(Ms)No.112, dated 13.07.2012.



44. On this Court quashing the G.O.(Ms)No.112, dated 13.07.2012, required the government to issue another G.O. to cover the promotees to the post of Assistant Section Officers from Typists / Personal clerk, who were excluded under G.O.(Ms).No.154,dated 30.10.2009. The Government accordingly, issued G.O.(Ms).No.31, dated 01.03.2017, correcting the anomaly in pay and post in case of promotees to the post of Assistant Section Officers from Typist, Personal Clerk. It is on account of the aforesaid G.O. the fourth respondent who was appointed as typist in the year 1978 became eligible for upgradation to the post of joint Secretary and also pay parity on par with her junior who was deputed to work in the 'Finance Unit' on being appointed as typist. It is this upgradation / stepping of of pay, the petitioners are now seeking for being applied to them.

45. However, as noted herein above, the fourth respondent did not have the benefit nor was eligible to the benefit of upgradation / stepping up of pay under G.O.(Ms).No.154, dated 30.10.2009, as the same was confined only to the promotees to the Assistant Section Officer from Assistants and not others.

46. The petitioners having availed the benefit under G.O.(Ms).No.154, dated 30.10.2009 and on the government extending the similar benefit to other



categories of the recruitees, cannot claim parity once again. If the claim of the petitioners is accepted, the same would amount to the petitioners unjustly enriching themselves at cost of others.

47. It is also to be noted that the petitioners herein have retired from service after availing the benefit under G.O.Ms.No.154 after March 2017. The petitioners did not raise any objection when Government issued G.O. (Ms)No.112, dated 13.07.2012 at the first instance, extending benefits as granted to them under G.O.(Ms).No.154, dated 30.10.2009 to the other category of promotees namely Typists / Personal Clerks or thereafter on issuance of G.O. (Ms).No.31, dated 01.03.2017 after this Court having quashed G.O.(Ms)No.112, dated 13.07.2012. As noted above, the Government by the aforesaid G.Os extended the benefit to other category of promotees, who were specifically excluded as noted in G.O.(Ms).No.154, dated 30.10.2009

48. It is only when the Government sought to correct the anomaly in G.O. (Ms).No.31, dated 01.03.2017 particularly in paragraph No.11 wherein it is stated that the consequential rectification of pay anomaly in respect of senior assistant promote, Assistant Section Officer in 'one unit' and 'Finance Unit' by issuing G.O.(Ms).No.110, dated 09.09.2020, the petitioner(s) felt aggrieved and approached this Court laying the challenge to G.O.Ms.No.110 projecting as if



the petitioners and the fourth respondents are similarly placed and the fourth respondent being junior to them and her post being upgraded to the post of Joint Director, they are entitled to claim parity.

49. It is to be noted that the petitioner did not have any objection when G.O.(Ms)No.112, dated 13.07.2012 was issued and thereafter to G.O. (Ms).No.31, dated 01.03.2017. Thus, the issuance of G.O.(Ms).No.110, dated 09.09.2020, being an amendment to G.O.(Ms).No.31, dated 01.03.2017, cannot give rise to any disparity for the petitioner(s) to feel agitated or aggrieved as none of the above G.Os. concern the promotees from 'Assistant' like the petitioner. Thus, the challenge to the rejection of the representation on the basis of G.O.(Ms).No.110, dated 09.09.2020 is without any merit.

50. Insofar as the claim of petitioner(s) for upgradation of their post as Joint Director is concerned, as noted herein above, the fourth respondent is a promotee to the post of Assistant Section Officer from separate recruitment of typist, while the petitioners are promotes to the post of Assistant Section Officer from recruitment as Assistants held in the year 1984-1986 i.e., 6-8 years after the fourth respondent was recruited in the cadre of typist under Tamil Nadu Secretariat Service.



51. Further, there is no commonality whatsoever in terms of the qualification, recruitment between the petitioner and fourth respondent for the petitioner(s) to seek parity with the fourth respondent who was able to demonstrate that one Mr.Ayyavoo, who is her junior at the time of Recruitment as typist and deputed to work in 'Finance Unit' getting promoted and drawing higher emoluments. The petitioner instead of demonstrating of any disparity among Assistants deputed to work in 'Finance Unit', cannot claim parity / upgradation granted to another class of recruitee who were granted upgradation / step-up of pay under G.O.No.126, dated 29.05.1998 at the first instance, and again under G.O.(Ms).No.31, dated 01.03.2017 later, while, the petitioner(s) secured benefit under G.O.No.126, dated 29.05.1998, G.O.(Ms).No.171, dated 28.09.2006 and G.O.(Ms).No.154, dated 30.10.2009.

52. At this stage, it would be apposite to refer to the observations of this Court while dismissing the challenge to G.O.(Ms).No.154, dated 30.10.2009 in W.P.No.26009 of 2011, dated 08.01.2014. This Court speaking through *Hon'ble Mr.Justice.V.Ramasubramanian, (as his lordship then was)*, observed as under:

27.....As a matter of fact, this litigation under the 'one unit' System actually started 23 years ago in 1990. It has become a continuous process with one section of employees or the other



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getting affected by the implementation of the benefit of rectification of pay anomaly in favour of one set of employees. This cannot continue for ever and at one stage, the chain in the link has to be severed.

53. Thus, what was observed in the year 2014, continues to haunt even after a decade. Thus, this Court is of the considered view that the endeavour of the petitioners appears to keep the issue alive and lingering for eternity by creating a bogey of disparity / anomaly. Thus, the basis for filing of the present writ petition(s), is ill conceived and is clearly an abuse of process of law.

54. In view of the above, this Court finds no merit in these Writ Petition(s) and accordingly, all the writ petitions are dismissed with costs of Rs.5,000/- (Rupees Five Thousand only) in each writ petition, payable to the High Court Legal Services Committee, Madras High Court, Chennai, within a period of four weeks from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed.

27-02-2026

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1.The Secretary to Government
Personnel and Administrative Reforms
(U Special) Department, Secretariat
Chennai- 9

2.The Secretary to Government
'Finance Department', Secretariat,
Chennai- 9

3.The Secretary to Government
Public (Special- A and Special- B)
Department, Secretariat, Cennai- 9

4. The Member Secretary,
Tamil Nadu High Court Legal Services
Authority, Madras High Court, Chennai



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WP Nos.7318, 7532 and 9420 of 2021



T.VINOD KUMAR J.

vum

Pre-Delivery Order made in

**WP Nos.7318, 7532 and 9420 of 2021 and
WMP Nos.8061, 7821, 10007 and 10008 of 2021**

27-02-2026